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KENTUCKY
COURT of JUSTICE
1980-1982 REPORT

COMMONWEALTH OF KENTUCKY
SUPREME COURT

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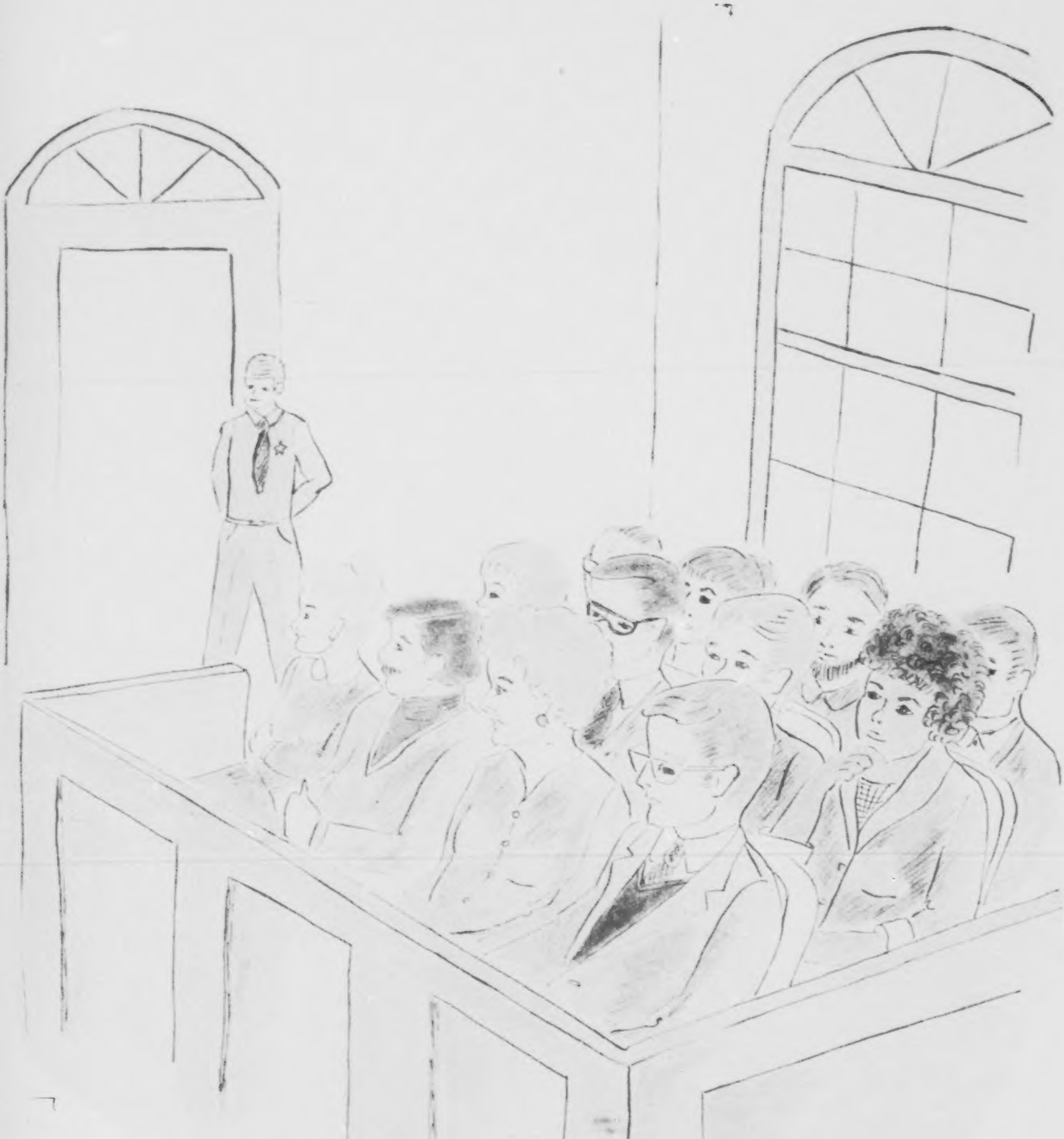
Submitted herewith is a report of the business of the Kentucky Court of Justice, prepared in accordance with the provisions of KRS 27A. 020. Due to funding restrictions and a change in format, this report covers two fiscal years, 1980-81 and 1981-82.

In addition to a report of the general business of the courts and relative statistical information, special emphasis has been placed on those programs and projects which have been improved, expanded or otherwise enhanced. Included are sections dealing with regional administration, revision of the Kentucky Rules of Criminal Procedure, cameras in the courtroom, expansion of the courts' data processing capabilities, and the economical litigation project.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication.

Without their contributions, this report would not have been possible.


Perry

DEDICATION

For 23 years, Chief Justice John S. Palmore has served on Kentucky's court of last resort.

He was a member of the former Court of Appeals, which became the Supreme Court in January 1976 as a result of the passage of a constitutional amendment which completely revised the Judicial Article of the Kentucky Constitution. During his 17 years on the former Court of Appeals, the office of Chief Justice was rotated among the justices on an annual basis, and he held that office for the years 1966 and 1973. Justice Palmore was elected Chief Justice of the Supreme Court in 1977 and served in that capacity through 1982.

Among the major provisions of the judicial amendment creating a unified judicial system was one giving the Chief Justice executive authority over the entire Court of Justice. Administration of the courts became one of the most arduous responsibilities of the office, especially during a period when there was some resistance to the implementation of the new courts, and local and statewide elected officials had to be dealt with almost daily.

Preparation for and organization of the District Court, the new state court of limited jurisdiction, took place during the first year after Chief Justice Palmore assumed leadership of the Court of Justice. Under his guidance, this dramatic change in Kentucky's judicial system was accomplished with optimal success, dispatching prevalent fears that the new court would not be effective.

Chief Justice
John Stanley Palmore, Jr.
Supreme Court of Kentucky

1959-1982

Aside from the personal achievements of a man who has dedicated his professional life to the law, there are those realized during his tenure as Chief Justice which must be noted here.

Working in concert with the General Assembly, Justice Palmore secured legislation to compensate local governments for the use of court facilities and to encourage courthouse renovation and capital construction. As a result of his efforts, the legislature adopted measures allowing 12 new trial judges for the state court system, and enacted laws providing for judicial salary increases.

The Kentucky Rules of Civil Procedure, Rules of Criminal Procedure, and Supreme Court Rules were amended on a large scale during the course of Chief Justice Palmore's last five years in office to conform to the needs of the changing system. The greatest impact on the rules resulted from the recommendations of the Criminal Rules Committee which worked for two years to revise the full body of criminal rules. After conducting public hearings on the recommendations, the Supreme Court adopted amendments making massive revisions to the Rules of Criminal Procedure.

The adoption of an amendment to the Supreme Court Rules in 1981 permitted the use of electronic equipment in Kentucky courtrooms. For many years an advocate of opening court proceedings to the public through such means, Chief Justice Palmore succeeded in his determination to secure the rules change. Although the rule provides for judicial discretion as to whether to allow camera coverage of trials and hearings, many of the state's judges who initially opposed the concept have found that problems are virtually non-existent.

In pursuit of his promise to reduce court delay and diminish the cost of civil litigation, Chief Justice Palmore established an Economical Litigation Program which, after a one-year pilot project in one judicial circuit, has been expanded to two additional jurisdictions within the state. The "fast-track" docketing procedures and promulgation of local rules to speed up the step procedures have proven to be effective in meeting the objectives of the program, and will in all likelihood be adopted in other judicial circuits in the near future.

While fulfilling the day to day administrative responsibilities of his office, Chief Justice Palmore has continued to meet his obligation as an appellate judge by writing opinions regularly. Several of those recent opinions have been recognized as landmark decisions of the Supreme Court.

A legal career spanning 43 years cannot be summarized on these pages, so it is for that reason we have highlighted only a few of his accomplishments as Chief Justice. It is with deep regard for all he has given and for the strength of his convictions that we dedicate this 1980-82 Report of the Court of Justice to John Stanley Palmore, Jr., former Chief Justice of the Supreme Court of Kentucky.

IN MEMORIAM

Justice Robert Owen Lukowsky
Supreme Court of Kentucky

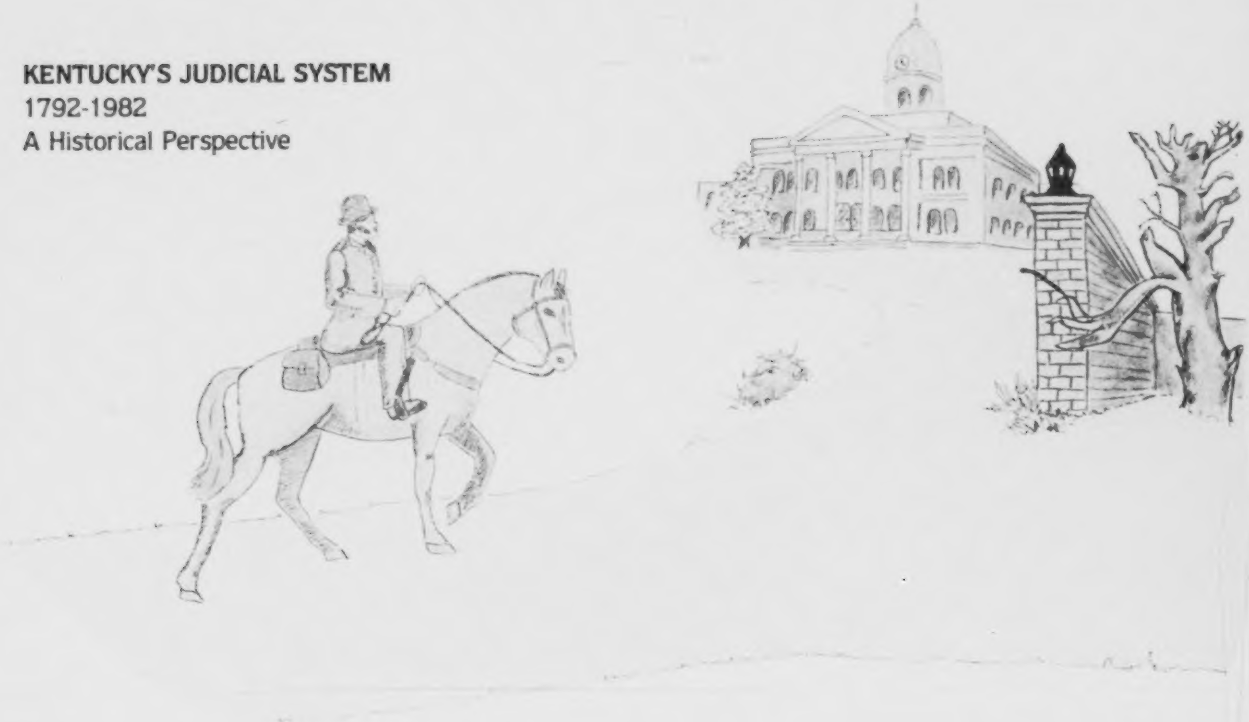
Justice Robert Owen Lukowsky, Sixth Kentucky Supreme Court District, died of cancer on December 5, 1981, at Good Samaritan Hospital in Cincinnati. He was 54.

A native of Covington, who in recent years made his home in Ft. Mitchell, Justice Lukowsky received his Juris Doctorate from the University of Cincinnati and an LL.D. from Salmon P. Chase School of Law, Northern Kentucky University, where he was an adjunct professor. During his judicial career, he served as judge pro tem for the Kenton County courts, as circuit judge, and ran unopposed for the former Court of Appeals in 1974. With the passage of the Judicial Article in 1976, he was elevated to the newly created state Supreme Court.

Justice Lukowsky was a member of numerous professional organizations and served as a guest lecturer at the judicial conferences of over 20 states and Washington, D.C., as well as for several national and state bar associations. In addition, he served on the Kentucky Crime Commission, the Advisory Committee for Criminal Law Revision, the Civil Rules Advisory Committee, and as a member of the faculty of the National Judicial College in Reno, Nevada. He was a lieutenant colonel with the Army Corps of Engineers during World War II and with the Air Force JAGD during the Korean conflict.

Friends and colleagues knew him to be a highly knowledgeable and enlightened jurist, respected for his firm conviction that the law should be understandable and accessible to all, whether lawyer or layman. This spirit may have been best discribed in the words of his wife Rosemary, "He loved the law. His total life was the law."

KENTUCKY'S JUDICIAL SYSTEM
1792-1982
A Historical Perspective



At the general election in November 1975, the electorate of Kentucky gave its consent to a new direction for the court system of the Commonwealth by adopting a constitutional amendment, to revise the judicial article. Under the constitutional amendment the previously fragmented system with its large number of part-time, non-lawyer judges and overlapping jurisdictions was replaced by a unified Court of Justice.

Kentucky's first Constitution was adopted at Danville in April 1792, when Congress granted statehood. The judicial article of the 1792 Constitution was patterned after that of Virginia, in order to provide an orderly transition and transfer of cases pending in Virginia courts. The judicial power of the Commonwealth was vested in one supreme court, known as the Court of Appeals, and such inferior courts as deemed necessary by the legislature. A "competent number" of justices of the peace were mandated to be appointed in each county. All judges were appointed by the Governor and could be removed for reasonable cause by the process of impeachment or by address of the Governor to two-thirds of each House of the General Assembly.

The Court of Appeals consisted of three judges appointed state-at-large to serve "during good behavior." Two judges constituted a court and the court met twice a year at Lexington. The Court of Appeals had original and final jurisdiction in all cases relating to titles of land under the laws governing Virginia at that time, and those cases were tried by jury unless waived by both parties. No appeals from inferior courts were granted unless addressed by petition and issuance of certiorari.

Each judge of the Court of Appeals was instructed by the Constitution to deliver his opinion in open court and in writing; the parties were obliged to state their complaint and defense in writing; and dissenting opinions were required to be in writing. All these provisions were designed to "perpetuate the testimony." The court also had the power to direct the mode of bringing these land cases to a hearing, "so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow."

In all other cases, the Court of Appeals had appellate jurisdiction only, with the legislature granted broad powers to make exceptions and regulations. The court had legislative authority to appoint its clerk.

Pursuant to constitutional provisions empowering the legislature to establish inferior courts, an act was passed during the first session of the General Assembly which provided for appointment of 125 justices of the peace to serve as judicial officers. In the 13 existing counties a Court of Quarter-Sessions was established in each county, and three of the justices of the peace in each county served on the court. Its jurisdiction was primarily civil, but it had the power to award necessary writs and injunctions. County court was created and presided over by three justices, and its jurisdiction was largely administrative in nature. All criminal jurisdiction was vested in a Court of Oyer and Terminer, which was presided over by three judges who had state-wide jurisdiction.

An act of 1795 reorganized the first trial court structure by terminating the original jurisdiction of the Court of Appeals in land cases and abolishing the Court of Oyer and Terminer. It was replaced by a system of District Courts of general civil and criminal jurisdiction, with all criminal cases heard by the Franklin District Court. In order to unify the District Courts to some extent, a General Court was established and instructed to meet periodically at Frankfort to decide cases "for and in behalf of the Commonwealth."

A convention was called in 1799 and a new Constitution was adopted in August of that year. The new document retained most of the provisions of the previous judicial article, but gave constitutional status to the county courts which had been created by the legislature.

In addition, the Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, under restrictions and regulations prescribed by law. Judges of the Court of Appeals were appointed by the Governor, and could be removed for good cause by impeachment or by the Governor on address of two-thirds of each House of the General Assembly. Judges and justices of the peace, by virtue of their office, were "conservators of the peace throughout the state."

County courts were composed of the justices of the peace presiding in each county. County court was given constitutional authority to recommend, with the concurrence of a majority of its justices of the peace, two persons to fill the offices of sheriff, surveyor, coroner or justice of the peace, one of whom was appointed by the Governor. Each court could appoint its own clerk; however, no person could be appointed who could not produce to the judges of the Court of Appeals, that he had been examined by their clerk and found qualified. Clerks of court could be removed for breach of good behavior by the members of the Court of Appeals only who "shall be judges of the fact as well as of the law" and two-thirds of whom shall have concurred in the sentence.

Until 1802, no changes were made in the general trial court structure that had been authorized by the legislature during the tenure of the first constitution. However, realizing that the District Court system could no longer effectively handle the increasing caseload, the General Assembly reorganized the trial courts into a system of Circuit Courts. The District Courts were abolished and the old General Court was abolished and re-enacted. Nine state-at-large circuit judges were appointed to serve in each of the nine judicial districts. General Court assigned each of its members to a district to serve as presiding judge and two assistant judges were appointed from that district.

In 1824, the legislature attempted to abolish the Court of Appeals. A controversy characterized as the "Old Court-New Court Struggle" arose, and the General Assembly enacted legislation to abolish the Court of Appeals and establish an appellate court of its own. "An Act to reorganize the Court of Appeals" was passed and signed by the Governor, who appointed judges sympathetic to his beliefs. The "old court" refused to recognize the "new court," and for a period of two years both courts held sessions. In 1826, a new legislature was elected which repealed the "Act to reorganize the Court of Appeals" and passed "An Act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," thus reinstating the constitutional court.

The third Constitution of Kentucky was adopted in June 1850. A total reorganization of the judicial department was undertaken, and courts which had previously been created by acts of the legislature were given constitutional authority. This document preserved the separation of powers of the three departments of government and provided Kentucky with its first structured court system. The judicial power of the Commonwealth was vested in the Court of Appeals, circuit courts, county courts, and such other inferior courts as the General Assembly should establish and erect.

The Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, restricted and regulated by law. The court consisted of four judges, any three of whom could constitute a court for the transaction of business. The 1850 Constitution mandated, for the first time in the history of the Commonwealth, election of judges rather than appointment. Judges were elected for a term of eight years from four equally divided judicial districts. Because all of the judges were initially elected at the same time, and in order to stagger their terms, one term was two years, one four years, one six years and on eight years. The judges elected then drew lots to determine which judge served which term. The judge having the shortest time to serve was designated as the Chief Justice of Kentucky.

The Court of Appeals was to hold its sessions at the seat of government, except that the General Assembly could direct that the court hold its sessions in any one or more of the judicial districts.

The office of Clerk of the Court of Appeals was established as an elective office, for a term of eight years. The 1850 Constitution further provided that if the General Assembly should determine that court should be held in any one of the judicial districts, that the voters of that district would elect a clerk possessing the same qualifications as the Clerk of the Court of Appeals. Any candidate for the office had to produce a certificate from a judge of the Court of Appeals or a judge of the Circuit Court that he had been examined by the court and was qualified for the office.

The General Assembly could also provide for a special judge to constitute a court in the event of disqualification of any of the elected judges.

Circuit courts were established to be held in each county, with the state initially divided into 12 judicial districts which could be increased to not more than 16 at the discretion of the General Assembly. Jurisdiction of the circuit courts was set by the legislature, who also had the power to change, alter or modify the right of appeal to the Court of Appeals. The General Court was abolished, producing a system of circuit courts which had no centralized coordinating feature, and resulting in trial courts which were virtually autonomous in nature. However, the legislature specified that cases involving the Commonwealth would continue to be heard in Franklin Circuit Court.

In 1882, under its authority to create inferior courts, the General Assembly created an accumulated backlog of 1300 cases. The Superior Court consisted of three judges who had jurisdiction in all appeals except those involving: (1) the validity of statutes; (2) title to a freehold or right to a franchise; (3) felonies; and (4) judgments where the amount in controversy was more than $3,000. The two appellate courts became known as the "Rich Man's Court" and the "Poor Man's Court," and set off a bitter debate that lasted through the Constitutional convention of 1890. Although opponents to the Superior Court won their battle and eventually succeeded in abolishing the intermediate court, its purpose was accomplished. The backlog of cases on appeal was successfully reduced.

The Constitutional Convention of 1890 created the judicial system with which most Kentuckians are familiar. The structure was highly restrictive, as a result of the furious debates over the power of the General Assembly to create courts in addition to those empowered by the Constitution.

The judicial article provided for a Court of Appeals consisting of seven judges to be elected for a term of eight years, one from each of seven appellate districts. Ironically, opponents to an intermediate appellate court argued that it was not necessary to have three additional judges at that level to decide appeals, yet the number of Court of Appeals judges was increased from four to seven. The court had jurisdiction to review final orders and judgments of all courts except those: (1) granting a divorce or punishing a contempt; (2) of a Quarterly, Police, Fiscal or Justice's Court; (3) of a County Court unless the action was for division of land and allotment of dower; and (4) involving bonds having the force of judgments. Although a monetary limitation of $100 precluded appeals following the adoption of the 1891 Constitution, this limit was raised over the years. By 1975, when the new judicial article was ratified, the minimum monetary limit on appealable cases was $200, but only upon petition. Appeals as a matter of right were allowed where the amount in controversy was $2,500 or more.

The Constitution established circuit court in each county, with the state divided into circuit court districts. The number of districts increased during the succeeding years from 30 to 56, and the terms of judges were regulated by statute. The circuit courts had original jurisdiction of all cases not vested exclusively in some other court, and appellate jurisdiction to try de novo appeals from the inferior courts.

In each county group of lower courts was created consisting of from three to eight Justice of the Peace Courts, a County Court, a Fiscal Court, a Quarterly Court, and city Police Courts, all given overlapping or concurrent jurisdiction, both civil and criminal, by the General Assembly.

The framers of the 1891 Constitution created a judicial system which had no flexibility and which contained a prohibition against the creation of any court not established by the Constitution.

Although Kentucky's judicial system has undergone four modifications through the Constitutional Convention process which revised the entire document, the most dramatic change in state and local government ever experienced in the Commonwealth has resulted from one constitutional amendment—the judicial amendment of 1975.

The Judicial Article now contained in the Kentucky Constitution provides for a unified court system fully funded by the state. Although judges and clerks remain locally elected, they are state officials and the courts are unified for purposes of administration under one Court of Justice. The Judicial Article not only provides for four levels of courts, the Supreme Court, the Court of Appeals, the Circuit Courts, and the District Courts, but includes provisions for Judicial Nominating Commissions to fill vacancies, and for a Judicial Retirement and Removal Commission to insure the proper conduct of the judiciary.

This historical review of Kentucky's court system was initially presented in the first Annual Report of the new judicial system in 1976. Its repetition here is in response to the many inquiries received by the Administrative Office of the Courts. It does not describe the atmosphere which brought about the change, but should serve as an example of progressive modification of government. As we move closer to the end of this century, Kentuckians can point with pride to their unified Court of Justice and know that Kentucky has led the way for other states to follow in judicial improvement.

THE KENTUCKY COURT OF JUSTICE

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.

The Supreme Court (from left to right): Justice Boyce C. Clayton; Justice J. Calvin Aker; Justice Marvin J. Sternberg; Chief Justice John S. Palmore; Justice Robert F. Stephens; Justice John J. O'Hara; and Justice James B. Stephenson.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute. Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more are taken directly to the Supreme Court, but other causes of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and discipline of members of the bar.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a cause. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law and circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Henry V. Pennington
President
Kentucky Circuit Judges' Association

Judge John T. Daughaday
President
Kentucky District Judges' Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 56 judicial districts coterminous with the judicial circuits. In any judicial district having only one judge, he is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the Constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the Constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John C. Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Carolynn P. Hom
President
Kentucky Circuit Clerks' Association

Circuit Court Clerks

Section 114(3) of the Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the Kentucky Circuit Clerk's Manual, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

ADMINISTERING THE COURTS

The Administrative Office of the Courts

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Don. P. Cetrulo, Director.

As outlined in KRS 27A.020, those duties are:

(1) Perform administrative services for the Court of Justice and supervise its clerical and administrative personnel, and its accommodations;

(2) Act as fiscal officer of the Court of Justice:

(a) Maintain fiscal controls and accounts of appropriations;

(b) Review and audit expense vouchers of justices, judges, and employes of the Court of Justice;

(c) Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the Court of Justice;

(d) Prepare budget estimates of state appropriations necessary for the maintenance and operation of the Court of Justice;

(e) Collect statistical and other data and report to the Supreme Court on the expenditure of public moneys for the maintenance and operation of the Court of Justice.

(3) Ascertain the necessity for assignment of justices and judges as contemplated by section 110(5)(b) of the Constitution;

The Administrative Office of the Courts
is located in the Bush Building,
Frankfort, Kentucky

(4) Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Court of Justice;

(5) Collect and compile statistical and other data concerning the operations of the courts;

(6) Formulate and submit to the Supreme Court recommendations of policies for the improvement of the Court of Justice;

(7) Provide for educational programs for the members of the Court of Justice;

(8) Report to the general assembly concerning the work of the Court of Justice and make such recommendations for the improvement of administration of justice as deemed necessary and proper;

(9) Supervise, operate, and administer all pretrial release programs and personnel which come within the purview of the Court of Justice, or which are related thereto;

(10) Perform such other functions as may be assigned by the chief justice.

Administrative Services

Fiscal matters are handled by the Division of Administrative Services which is responsible for payroll processing, federal grants management, purchasing, accounting, court facilities, and logistical support in the areas of furniture, equipment, forms and supplies for the Court of Justice.

The Accounting/Purchasing section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the Court of Justice throughout the state. In December 1980, the processing of requisitions for office supplies and forms was computerized. Continuing efforts are being made to streamline the system in order to achieve a same-day turnaround on the processing time.

The Personnel Section provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,100 judicial and non-judicial personnel. Included in the 120 county system are justices and judges, trial commissioners, circuit clerks, deputy clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees was revised in 1980 and distributed to all employees in February 1981.

PERSONNEL DATA
FY 1980-82

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1,085.5
AOC	85.5
Pretrial Services	152.5
Other Non-Judicial	
Court Reporters	
Secretaries	
Law Clerks	
Staff Attorneys	
Court Administrators	443.5
TOTAL FULL-TIME EMPLOYEES	2,122

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. Although budget cutbacks required keeping position vacancies open 30 to 90 days, and hiring employees at lower salary rates, efforts to provide service and equity to the various courts in staffing and compensation were continued.

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. Its responsibilities have been expanded since that time to include management of an operations center.

Legislation was enacted by the Kentucky General Assembly in 1976 and amended in 1978 and 1982 to provide for reimbursement to units of local government for the use of court facilities, and is based on a formula for compensation which utilizes a "use allowance" and an "operational expense allowance."

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices, and payments are funded by a special appropriation from the General Assembly.

Included at the operations center, which occupies 21,200 square feet of space, are (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide, service and maintain mechanical and electronic equipment in use throughout the state, including court recording equipment.

Field Services

Two groups of AOC employees work regularly with the circuit clerks in Kentucky's 120 counties.

Clerk services representatives are responsible for monitoring various programs and providing technical assistance to the circuit clerks. During the past two years their objectives have been to:

(1) Make routine visits to clerk's offices, and on occasion adopt a "team approach" by utilizing two or more field representatives;

(2) Provide on-site assistance on specific problems as ordered by the Director of the AOC;

(3) Provide daily telephone assistance to all courts and circuit clerks;

(4) Provide records management support to circuit clerks upon request by microfilming or otherwise storing old records;

(5) Review every six months the forms needs of the Court of Justice and revise as necessary;

(6) Review every six months the **Circuit Clerks Manual** to insure that it accurately reflects the duties and procedures of their office; and

(7) Prepare appropriate educational programs for court related conferences.

Accounting services representatives make periodic field visits to the circuit clerks' offices to review and manage the accounting function provided for by the Uniform Accounting System. They continually review internal control procedures so that the circuit court clerks may adequately control the funds placed in their custody.

The circuit court clerks are legally compelled to serve as a conduit for funds received from individuals and deposited to the state treasury in escrow accounts. During fiscal year 1980-1981, $33,682,940.14 was remitted to the General Fund by the clerks, and also remitted funds collected for other state agencies; $4,646,042.25 remitted for drivers' licenses and boat registrations, and $82,993.80 to fish and wildlife resources. The circuit clerks maintained balances approaching $16,000,000, which consisted of funds held in escrow, and for the maintenance of jury and witness funds.

The circuit clerks remitted $32,077,026.51 to the General Fund in fiscal year 1981-1982. They also remitted $5,340,392.50 to other state accounts for drivers' license and $83,873.52 to fish and wildlife funds. New legislation directed that fees from boat registrations be deposited in a trust and agency account beginning April 20, 1982, so these figures do not reflect the 10-day period from April 20 through April 30. The clerks remitted $589,116.00 to the trust and agency account for May and June.

During routine field visits, misappropriations were discovered in five (5) counties, and recovery of funds was made by repayment in two counties and by prosecution in another. The other cases were investigated and turned over to the commonwealth's attorney. One case was taken before the grand jury with no indictment; the other is still pending.

State Law Library

The State Law Library is a professional research library. It has a small staff and is funded by the General Assembly only as a support service for the Court of Justice. It is not a public library in the usual sense of a library that renders library services to the public, so for these reasons the State Law Library cannot provide reference service to persons who are not members of or employed by the Court of Justice.

The State Law Library is the central collection of legal literature for the state government. It is available to public officials and their staff, state employees, attorneys, and citizens.

In order to furnish the bench, bar, and others with timely information concerning current legal literature, the State Law Library prepares regular bibliographic features for **Accent On Courts** and **Kentucky Bench & Bar**, which consists of brief summaries of selected articles appearing in legal periodicals, and succinct descriptions of newly published and useful books acquired by the State Law Library and a column concerning the state court facets of recent federal cases for **Accent On Courts**.

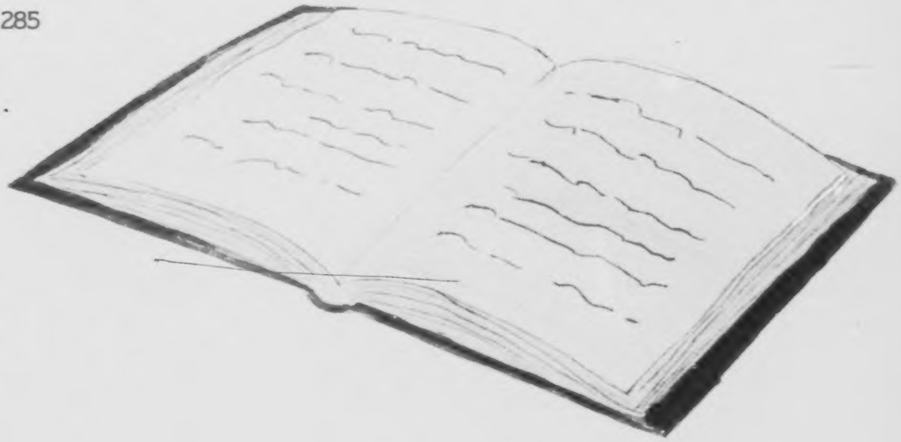
The readers' services activities of the state law library during the 24 months, July 1, 1980-June 30, 1982, were as follows:

Number of Readers	12,009
Items Circulated	6,818
Reference Inquiries	1,462
Copies Made for Patrons	12,285

In addition to providing readers' services, the State Law Library keeps the libraries of the judges of the Court of Justice updated, as well as procuring additions if funding is available. The State Law Library works with the county law libraries by rendering assistance upon request to any of the publicly funded law libraries. However, state funds are not used for these purposes.

Two staff attorneys attached to the State Law Library provide quality research to justices and judges who have exhausted conventional research methods by utilizing the capabilities of the Lexis computer, and by researching printed materials to which the judges do not have access. A summary of staff attorney activities for fiscal years 1980-1982 follows.

Number of inquires received by staff attorneys	333
Number of inquiries from previous users	286
Number of written responses drafted by staff attorneys	167
Number of unwritten responses by staff attorney	163
Number of pages of copies law library material furnished by staff attorney	9,154



THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the budget units. The budget staff prepares the annual operating budget for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff had the continuing responsibility of monitoring the program budgets during the fiscal year and the preparation of a monthly analysis on the status of each budget unit.

In addition, the budget staff was involved in a continuing procedural analysis of the administrative system, seeking to simplify and expedite the administration and to identify means of reducing costs. Major projects included: (1) a procedural study of the paper flow of the payroll system for the Court of Justice; (2) an administrative self-survey to review and/or revise procedures and policies throughout the AOC; (3) the development of an automated facilities information system to provide information broken-down by type of expenditure and to provide a more accurate basis for projecting budget increases and trends; (4) a revision of the Court of Justice biennial budget request format to include the utilization of electronic data processing in the preparation of the budget request; (5) continuation of the review and analysis of telephone and photocopy requirements to provide the most effective services at the least cost; (6) staff assistance in the development of a local archives and a review of space utilization in Jefferson County; (7) development of revised travel regulations for the Court of Justice; (8) review of personal property insurance practices; and (9) the computerization and writing of payrolls in AOC.

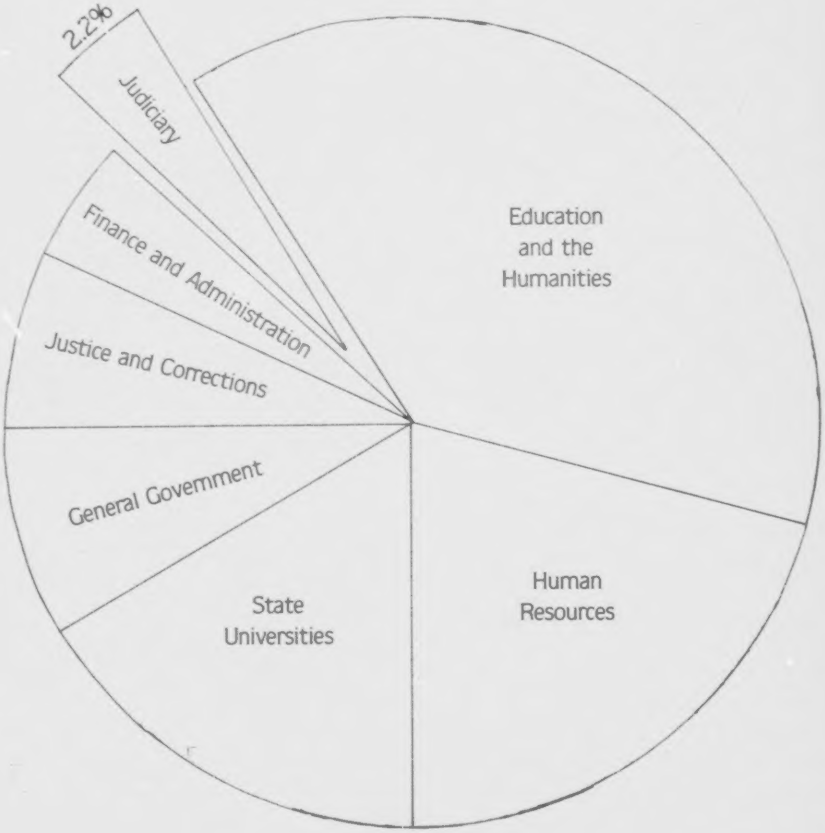
The budget staff, working directly with the AOC director, prepared the Court of Justice 1982-84 biennial budget request for submission to the legislative branch. On April, 1981, the process for the preparation of the 1982-84 biennial budget request began with the development of a program memorandum, which serves as a planning guide for legislative and budgetary issues relating to the judiciary during the upcoming biennium. It was completed and submitted to the legislative and executive branches in June, 1981. Concurrent with the preparation of the program memorandum, the unit budget process was started, when the staff visited each of the 56 judicial circuits to provide the opportunity for local court officials to express budgetary requirements for the 1982-84 biennium. Information obtained from the circuit judges, district judges and circuit clerks was utilized in the preparation and justification of the judiciary's biennial budget request.

In July, 1981, the staff began the preparation of the detailed estimates for the operation of the court system during the upcoming biennium. The estimates include both the costs of continuation of existing services and new or expanded programs during the biennium. The judicial budget request was submitted by the Chief Justice to the legislative branch in November, 1981. During the 1982 Regular Session of the General Assembly, the staff provided assistance to the director of AOC for legislative budget hearings and reviewed bills for fiscal impact on the judiciary.

1. Financing The Courts

In accordance with the Constitution of Kentucky, the Supreme Court, through the AOC, prepares annual budget estimates of state appropriations necessary for the operation of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury. The 1982 General Assembly appropriated $110.5 million in general fund support of the court system during the 1982-84 biennium. The General Fund support of the courts represents 2.2% of the total state general funds appropriated in the 1982-84 biennium.

An overview of the actual expenditures for fiscal year 1980-81 and 1981-82, the budget for fiscal 1982-83, and the actual revenues collected by the court system in fiscal 1981-82 are reported in the material that follows.



a. Expenditures for Fiscal Year 1980-81

The expenditures for the court system in fiscal 1980-81 were $45,344,451 of the total general fund budget of $45,400,900. The 1980 General Assembly provided funding for an additional four circuit and nine district judgeships, twenty additional deputy circuit clerk positions, a salary adjustment for the judges and circuit clerks, and a cost-of-living adjustment for non-elected personnel. The expenditures for fiscal 1980-81 are presented by budget unit in Chart A.

CHART A

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1980-81

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,297,684	$	$ 1,297,684	2.86
Court of Appeals & Clerk	1,969,908		1,969,908	4.34
Circuit Court	7,248,913		7,248,913	15.99
District Court	6,242,106		6,242,106	13.77
Circuit Clerks	17,842,847		17,842,847	39.35
AOC	2,168,716		2,168,716	4.78
Bds. & Comms.	24,933		24,933	0.06
Law Library	387,415		387,415	0.85
Pretrial Services	2,177,714		2,177,714	4.80
Federally Funded Projects	136,903	662,523	799,426	0.30
Capital Outlay	280,928		280,928	0.62
TOTALS	$39,778,067	$ 662,523	$ 40,440,590	
Local Facilities Fund	5,566,384		5,566,384	12.28
TOTALS	$45,344,451	$ 662,523	$ 46,006,974	100.00%

b. Expenditures for Fiscal Year 1981-82

The expenditures for the court system in fiscal 1981-82 were $49,018,831 of the total general fund budget of $49,111,200. In this fiscal year funds were provided for the continuation of existing service levels, including the annual 5% salary increments for non-judicial personnel and an increase for operating expenses to offset the impact of inflation. Funds were provided for a salary adjustment of 6% for the judges and circuit clerks. The expenditures by budget unit for fiscal 1981-82 are presented in Chart B.

CHART B

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1981-82

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,308,388	$	$ 1,308,388	2.67
Court of Appeals & Clerk	2,093,409		2,093,409	4.27
Circuit Court	7,969,223		7,969,223	16.26
District Court	6,777,724		6,777,724	13.83
Circuit Clerks	19,008,975		19,008,975	38.78
AOC	2,597,951		2,597,951	5.30
Bds. & Comms.	26,728		26,728	0.05
Law Library	424,987		424,987	0.86
Pretrial Services	2,228,358		2,228,358	4.55
Federally Funded Projects	-0-	900,500	900,500	N/A
Capital Outlay	627,845		627,845	1.28
TOTALS	$43,063,588	$ 900,500	$ 43,964,088	
Local Facilities Fund	5,955,243		$ 5,955,243	12.15
TOTALS	$49,018,831	$ 900,500	$ 49,919,331	100.00%

c. Budget for Fiscal Year 1982-83

The General Fund budget for the support of the court system during fiscal 1982-83 is $53,258,300. This represents an 8.4% increase over the appropriation in fiscal 1981-82. In fiscal 1982-83 the General Fund appropriation to the court system represents 2.2% of the total state General Fund appropriation. A total of $46,617,900 was appropriated for Court Operation and Administration, including personnel costs, operating expenses and capital outlay. The personnel costs represents 89.2% of the total budget for Court Operation and Administration. The remaining $6,640,400 was appropriated to the Local Facilities Fund for rental payments to local governments for courthouse facilities. The 1982 General Assembly provided funding for continuation at the current level of service. In addition to the annual 5% salary increments, funds were provided to allow a salary adjustment to non-elected employees as determined by the Chief Justice. Funding is provided for a salary upgrade and annual 5% adjustment for circuit clerks and a 5% salary increase for judges. Additional funds were provided for operating expenses and capital outlay to help offset the impact of inflation. The budget for fiscal 1982-83 is presented by program unit in Chart C.

CHART C

COURT OF JUSTICE EXPENDITURES-FISCAL YEAR 1982-83

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,477,780	$	$ 1,477,780	2.77
Court of Appeals & Clerk	2,305,830		2,305,830	4.33
Circuit Court	8,446,010		8,446,010	15.86
District Court	7,323,200		7,323,200	13.75
Circuit Clerks	21,196,850		21,196,850	39.80
AOC	2,250,680		2,250,680	4.22
Bds. & Comms.	35,300		35,300	0.07
Law Library	447,080		447,080	0.84
Pretrial Services	2,871,970		2,871,970	5.40
Federally Funded Projects	-0-	187,700	187,700	N/A
Capital Outlay	263,200		263,200	0.49
TOTALS	$46,617,900	$187,700	$ 46,805,600	
Local Facilities Fund	6,640,400		6,640,400	12.47
TOTALS	$53,258,300	$187,700	$ 53,446,000	100.00%

2. Collection of state Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978. All of these funds collected by the courts are deposited into the State Treasury. During fiscal 1981-82, the courts collected and remitted a total of $38,242,905, of which $155,937 represents filing and miscellaneous fees collected by the Clerk of the Supreme Court and Court of Appeals. A total of $38,086,968 was collected during fiscal 1981-82 in the circuit clerks' office, a breakdown of which is presented in Chart D.

CHART D

COLLECTIONS OF STATE REVENUES
CIRCUIT CLERK'S OFFICES
FISCAL 1981-82

	General Fund	Other Agencies	Total	% of Total
Criminal/Traffic Fines & Costs	$21,258,486	$	$21,258,486	55.81
Drivers License	2,331,220	5,340,392	7,671,612	20.14
Civil Filing Fees	5,419,043		5,419,043	14.22
Boat Registration	1,180,315		1,180,315	3.09
Interest Income	835,347		835,347	2.19
Forfeitures	479,572		479,572	1.26
Charges for Svc.	523,562		523,562	1.37
10% Bond; 10% Fee	320,988		320,988	.84
Bond Filing Fees	209,099		209,099	.55
Fish & Game Violations	55,919	83,879	139,798	.36
Public Defender		59,027	59,027	.15
Over (Short)	9,881		9,881	.02
TOTALS	$32,603,670	$5,483,298	$38,086,968	100.00%

PRETRIAL SERVICES

June 1982 marks the sixth anniversary of the Kentucky Pretrial Services Agency, a statewide system of pretrial release and investigation services statutorily mandated by the Kentucky General Assembly in 1976 as part of a reform in the administration of justice for the Commonwealth. Statewide pretrial services were initiated in conjunction with the abolition of commercial bail bonding in the state under Kentucky Revised Statutes (KRS) 531.510-550. The Pretrial Services Agency was later designated as the Division of Pretrial Services within the Administrative Office of the Courts.

In accordance with the statutes and Supreme Court Rules of Criminal Procedure relating to bail (RCr 4.00-4.58), Pretrial Services provides objective information to the trial courts based on community ties, family associations, and job security. Having been provided this information, the appropriate judicial officer can make an informed decision concerning methods of pretrial release. Furthermore, it is the intent of the law that persons charged with bailable offenses should not be levied any undue financial hardships, yet give assurance that necessary court appearances will be met.

Structure

The Division of Pretrial Services is responsible for 57 pretrial field offices providing service to 120 counties in the Commonwealth. A central staff of five provides supervision, technical assistance and support.

Duties

The statewide program is decentralized in order that each local pretrial officer can administer to the needs of his respective court. Although the duties of providing objective information to the courts through interviews and verification are specifically outlined in the statutes and by court rule, officers perform sundry other duties. These duties include: filling out affidavits of poverty for indigent defendants; supervising defendants not released under agency criteria; providing jail censuses to the court; monitoring court appearances of program releases; maintaining a comprehensive criminal record system; referring defendants to various social agencies; and serving as liaison with other court and criminal justice personnel in the community.

Alternatives to Formal Adjudication

Not only does the Division of Pretrial Services have the responsibility for pretrial release services, but it also directs five dispute mediation programs and three diversion programs. Both of these alternatives are currently funded by a Law Enforcement Assistance Administration grant which began in May 1979; general fund dollars were appropriated by the 1982 General Assembly to continue funding after the grant expires in October 1982. The Fayette County mediation program began, however, as an independent project in 1976 and was placed under the auspices of the Division of Pretrial Services in January 1979.

Mediation

Dispute mediation programs operate in five locations: Jefferson County (Louisville); Fayette County (Lexington); and a three county area of northern Kentucky-Kenton County (Covington), Campbell County (Newport), and Boone County (Burlington). These programs have given citizens an opportunity to work out their problems without the stigma or costs of court. For the two fiscal years ending June 30, 1982, 65,021 complaints were received. During the same period, 11,311 hearings were actually held and 8,577 (76%) reached settlements. Complete statistics are included in Table II.

Diversion

Misdemeanant diversion programs function in the three northern Kentucky counties of Kenton, Campbell and Boone. These programs provide an alternative to convictions of first-offense defendants who would have suffered the stigma of being a criminal. In addition to offering alternatives to the defendants, the diversion programs have benefited the community. In all three counties, divertees provide community service work, i.e., helping underprivileged children, cleaning up parks, working in neighborhood centers, etc., as part of their responsibility to the program. For the two fiscal years ending June 30, 1982, a success rate of 90% has been reported on completed diversion contracts.

Evaluation

As noted, the mediation and diversion programs are presently funded under an LEAA grant; these monies ran out in October 1982. Therefore, the Division of Pretrial Services undertook an in-house study to assess the impact of these programs to the courts and to the community. Additionally the Pretrial Services Resource Center, Washington, D.C., consented to conduct an independent evaluation. Both reports were completed in December 1981. This study was provided to the Legislative Research Commission during the 1982 General Assembly as a part of the budget request to gain state monies for continuation of these programs.

AGENCY STATISTICS

Pretrial Release

The statewide arrest activity during July 1, 1980-June 30, 1982 decreased slightly from the previous year, with less persons arrested and placed in custody. However, pretrial services officers interviewed more arrestees in each of the two fiscal years than in FY 1979-80.

As in prior years, the most common methods of release for defendants in the Commonwealth were release on recognizance and/or release on unsecured bonds. During 1980-82, 109,464 persons were released on agency criteria, of which 5,800 (5.3%) failed to appear for court appearances. Although the number of defendants released through the agency was substantial, the failure to appear rate was low.

Mediation and Diversion

As indicated above, 65,021 actions were received through mediation intake; of those only 25,815 (39.7%) were referred for warrants or summons. This figure indicates that the formal court process was reduced, and 39,206 persons were kept out of formal court.

Of the 3,977 diversion reports' prepared for 1980-82, 2,632 (66%) were successful and prosecution was dropped, and the formal court caseload was reduced.

Complete statistical breakdowns for pretrial release are shown in Table 1, and the mediation and diversion statistics are desplayed in Table 2.

TABLE I

DIVISION OF PRETRIAL SERVICES

Statistical Report

July 1. 1980-June 30. 1982

I.		**Number of defendants arrested and placed in custody.**		402.982
	A	Number of defendants contracted and offered Pretrial Services.		276.854
	B.	Number of defendants completely interviewed.		224.245
	C.	Number eligible for personal recognizance release after interview.		155.498
	D.	Number eligible but resolved prior to presentation.		6.038
	E.	Number of eligible defendants presented to judiciary.		149.460
		1. Number of these defendants released on personal recognizance.	84.180	
		2. Number of these defendants released on unsecured bonds.	19.811	
		3. Number of these defendants released on non-financial conditions.	5.473	
		4. Number rejected for personal recognizance release, unsecured bond, or non-financial conditions by the judiciary.	39.996	
	F.	Number of 24-hour reviews processed.		20.641
		1. Additional program releases.	3.340	
		2. Number of bonds reduced.	5.546	
	G.	Number ineligible for personal recognizance release after interview.		68.747
		1. Number released to Agency supervision.	7.391	
	H.	Number of scheduled court appearances for defendants released through the Agency.		198.367
	I.	Number of defendants for whom program release was revoked by the Judiciary.		1.467
	J.	Number of defendants not interviewed.		178.737

II.	**Number of defendants excluded.**			
	1. Serving time.		8,109	
	2. Federal charges/AWOL		3,209	
	3. Juvenile.		15,551	
	4. Refused interview.		19,245	
	TOTAL	46,114		
III.	**Method of release of all defendants not released through the Agency.**			
	1. Placed on recognizance, unsecured bond, or conditions.		38,380	
	2. 10% Bail Bond.		52,428	
	3. Other bail bond (full cash, property, bond schedule, Guaranteed Arrest Bond Certificate).		65,207	
	4. Performance Bonds.		1,996	
	5. Paid fine.		31,236	
	6. Not released.		74,098	
	7. Other (specify).		26,833	
	TOTAL	290,178		
IV.	**Number of program releases who were re-arrested pending trial.**			5,680
V.	**Number of indigency affidavits collected by the Agency.**			32,545
VI.	**Number of defendants failing to appear through the Agency.**			5,800

TABLE 2

DIVISION OF PRETRIAL SERVICES
Diversion and Mediation Programs

Statistical Report

July 1, 1980-June 30, 1982

CIRCUITS: 16, 17, 22, 30, 54

A.	**Diversion Component** (16, 17 and 54).		
1.	Number of pretrial interviews.		20,432
2.	Number of diversion reports prepared.		3,977
3.	Number of defendants diverted.		2,801
4.	Number of diversion contracts completed.		2,922
a.	Number unsuccessful/referred to court.	290	
b.	Number successful/prosecution dropped.	2,632	
5.	Current caseload.		366
B.	**Mediation Component** (16, 17, 22, 30, 54)		
1.	Number of actions received.		65,021
a.	Those referred for warrants or summons.	25,815	
b.	Those referred for hearings.	18,331	
c.	Other action.	20,875	
2.	Number of hearings schuled.		23,053
a.	Those cancelled or withdrawn.	10,803	
b.	Those rescheduled for a later date.	1,066	
c.	Those actually held.	11,311	
1.	Those in which settlement reached.	8,577	
3.	Number of call backs made.		7,301
a.	Those which reported unsuccessful.	734	
b.	Those which reported successful.	4,380	
c.	No report received.	2,187	

EDUCATION AND TRAINING

Innovative, informative and challenging educational seminars for judges and court support personnel are regularly conducted so that each group will have an opportunity to maintain the highest degree of professional competence necessary to perform the varied judicial services required by the public and the Court of Justice.

Within the past four years, although judicial education is not mandatory for Kentucky judges, one hundred and two (102) judges have received the Kentucky Bar Association's Continuing Legal Education Recognition Award for attending a minimum of 60 hours in approved education courses. Eighteen (18) judges have received a one-year extension of the award and one judge has received a second extension of the award. Programs conducted by the Administrative Office of the Courts are structured to meet the bar association's continuing legal education requirements.

Separate education committees for circuit and district judges meet regularly to assist in planning judicial seminars. A review of questionnaires and evaluations from previous programs provides the committees with valuable information about the educational needs of the judges.

Circuit Judges Education Committee

Judge J. B. Johnson, Jr., Chairman
Judge William Cooper
Judge Sidney Douglass
Judge Charles Luker
Judge Olga Peers
Judge George Ryan

District Judges Education Committee

Judge John Daughaday, Chairman
Judge Howard Bowles
Judge John Carter
Judge Kelly Clore
Judge Benjamin Dickinson
Judge Leonard Kopowski
Judge Edwin Rice
Judge Julia Tackett

Annual week-long colleges are scheduled each fall for circuit and district judges, which provide an excellent forum for the judges to discuss mutual issues affecting the judiciary. In addition to refresher courses on basic substantive and procedural law, the curriculum may include comprehensive studies of new legal developments, recent legislation, court management or administrative changes. The faculty for the colleges generally includes nationally-known judges and attorneys as well as prominent judges, attorneys and law professors from Kentucky.

Specialty seminars are developed for specific legal topics that merit in-depth study over an extended period of time, and provide an excellent opportunity for experts from state agencies and private service organizations to participate as instructors, workshop participants or resource persons.

A two-day Kentucky Judicial Conference is held each May for all Supreme Court, Court of Appeals, circuit and district judges, which is the only annual meeting to which all the state's judges are invited to participate. The programs are developed to include subject matter of interest to both trial and appellate judges, such as future trends of the courts, public perception of the courts or recent decisions of the state and federal courts.

In 1980-82, Kentucky judges attended out-of-state educational programs sponsored by the National Judicial College, the American Academy of Judicial Education and the National College of Juvenile Justice. The national seminars are an excellent means to exchange information and ideas with judges from other states and to allow judges to strengthen their legal and judicial knowledge or skills. The judges trained nationally contribute significantly to the quality and substance of in-state programs by serving as program planners, instructors, or workshop leaders.

During the two years covered by this report, 1980-1982, thirty-two (32) trial court judges attended out-of-state educational programs and ten (10) appellate judges were in attendance at national programs designed to enhance their judicial expertise.

Training for court-support personnel is a high priority and is provided as funding permits. Circuit clerks and their deputies attended programs consisting of refresher courses on the clerk's established duties as well as court management and administrative procedures. The programs are developed jointly by the Administrative Office of the Courts and the Circuit Clerks Education Committee.

Circuit Clerks Education Committee

Mr. Jim Groves, Chairman
Mr. W. J. Brien
Ms. Christine Coleman
Ms. Edith Cox
Mr. R. H. Gash
Ms. Carolynn Horn
Mr. John Kearns
Mr. Ed Schroeder
Mr. Arthur Walson
Mr. Leslie White

Summer and fall conferences are held each year for the circuit clerks and deputy clerks, as well as training seminars on court services and accounting procedures. Regional one-day programs, topical in nature, were held in ten locations across the state during 1982. The programs were designed to provide a maximum of training at minimum cost by using AOC personnel and circuit clerks as instructors with little or no travel expense involved for the attendees.

Annual educational programs were held in 1981 and 1982 for the offical court reporters and also for trial court administrators.

REGIONAL ADMINISTRATION

By order of the Supreme Court dated December 5, 1977, a pilot project for regional administration was created and became effective January 2, 1978. Pursuant to Section 112(4) of the Kentucky Constitution, a statewide regional administration plan was developed by the Administrative Office of the Courts and presented to the Judicial Council for its consideration. The Council recommended the plan for initial experimentation in two circuit court regions. Following initial success of the concept, ten regions were approved and established to encompass the state. Additionally, three pilot district court regions were proposed and established in 1978. Two of the district court regions have unique boundaries while the third region has boundaries coterminous with the Eastern Region of the circuit court program.

The regional administration project had four goals during this period: (1) to equalize work among the judges within regions; (2) to expedite the disposition of litigation within regions; (3) to promote uniform procedures and practices within regions and throughout the state; and (4) to increase the responsiveness of the Administrative Office of the Courts to the needs of the trial courts.

A number of factors were considered in determining the composition of the ten regions, including: (1) caseload per circuit judge; (2) the rank order of judicial circuits by caseload per judge; (3) the number of circuit judges and counties; (4) geographical constraints; (5) highway quality and access; (6) trial commissioner use; and (7) kinship disqualification.

Under the provisions of the charter accompanying the order of the Supreme Court, a chief regional judge is selected in each region by the circuit judges within the region. His duties are: (1) to plan, coordinate and supervise activities within each region; (2) to advise the regional coordinator of information necessary to make a judicial transfer decision; (3) to work with the regional coordinator to set up exact procedures for conducting the project within his region; and (4) to exercise within his region the temporary assignment authority delegated to him by the Chief Justice.

In February 1982, two circuit court regions were added, and the district courts were organized for statewide regional administration under the same criteria as that of the circuit courts.

The regions have acted vigorously under the charters to exercise special judicial assignment authority. During the period July 1, 1980 through June 30, 1982, special assignments have been made as indicated in the chart below.

Number of Assignments
Regional Administration Program

Region:	July, 1980-June, 1981*	July, 1981-June, 1982*
Purchase	5	13
Pennyrile	60	71
Green River	21	39
Central	198	153
Northwestern	7	3
Northern	24	69
Northeastern	16	10
Southeastern	89	56
Eastern	69	63
Mountain	134	56
Jefferson/Bullitt**	—	15
Fayette**	—	—
Totals	623	548

• The Figures reflect circuit and district court assignments

•• The Jefferson/Bullitt Region and Fayette Region were established in February 1982, as well as all district court regions.

ELECTRONIC DATA PROCESSING

By means of effective data processing applications, the Kentucky Court of Justice maintains a court information system which facilitates the retrieval of judicial statistics and, equally advantageous, a system which assists in management and administrative functions.

Caseload information systems for the circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases.

In the two largest metropolitan areas of Kentucky, Jefferson and Fayette Counties, case information systems are maintained which produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In Jefferson County, the system interfaces with the computers of other law enforcement and court-related agencies.

Management systems which assist the Administrative Office of the Courts in its day to day operation are invaluable. Programs have been designed to ameliorate the problems associated with manual processing, and function to produce reports as often as necessary.

In these times of economic distress, budget-related systems are among the most useful in administrative matters. Since the Kentucky General Assembly meets in regular session only once every two years, a biennial budget request and program memorandum must be prepared and submitted several months prior to the convening of the legislature. A budget request system is maintained which produces worksheets containing continuation and supplemental budget request information. Additionally, an expenditure analysis assists in the posting of all financial accounts and provides information concerning the availability of funds or budget status for the fiscal year. Detail expenditure reports are produced as well as an automatic detail reconciliation report. State appropriations to the Court of Justice are monitored continually through the use of these programs.

A personnel/position control system has been installed which controls and accounts for all filled and vacant positions in the court system. The program can produce personnel listings in various sequences, requests for personnel action, for annual increments, and budget projections for calendar and fiscal years. The payroll cost distribution system distributes payroll and fringe benefit costs for the circuit clerks to the 120 Kentucky counties, and creates automatic budget adjustments and expense transactions.

To expedite the delivery of service to judges and circuit clerks throughout the state, two inventory systems are maintained: (1) the forms/supplies inventory system which provides control and re-order procedures, and produces inventory balances and shipping orders daily; and (2) the equipment inventory system files all state and other-owned equipment by location and item number.

A unified county receipts system functions to provide an audit trail and summary reports of cash receipts and disbursements as submitted monthly from each county by the circuit clerk. The data base was formed by entering information from monthly financial reports dating back to 1978, and will be programmed to produce detailed reports as well as the now-retrievable summary reports.

A Court of Justice address system is available which contains 17 classes of address listings, and which can produce address labels by specified order e.g., by zip code, alphabetical order, or by judicial district.

Other programs are in the design stage, and will be fully operational during fiscal year 1982-83. Included in the ever-expanding data processing plans are systems relating to jury management, court facilities payments, and economical litigation projects. All case management systems will be enhanced by installing on-line PROMIS systems (pre-packaged software) when the Administrative Office of the Courts secures its agency-owned computer and converts from the executive branch main computer.

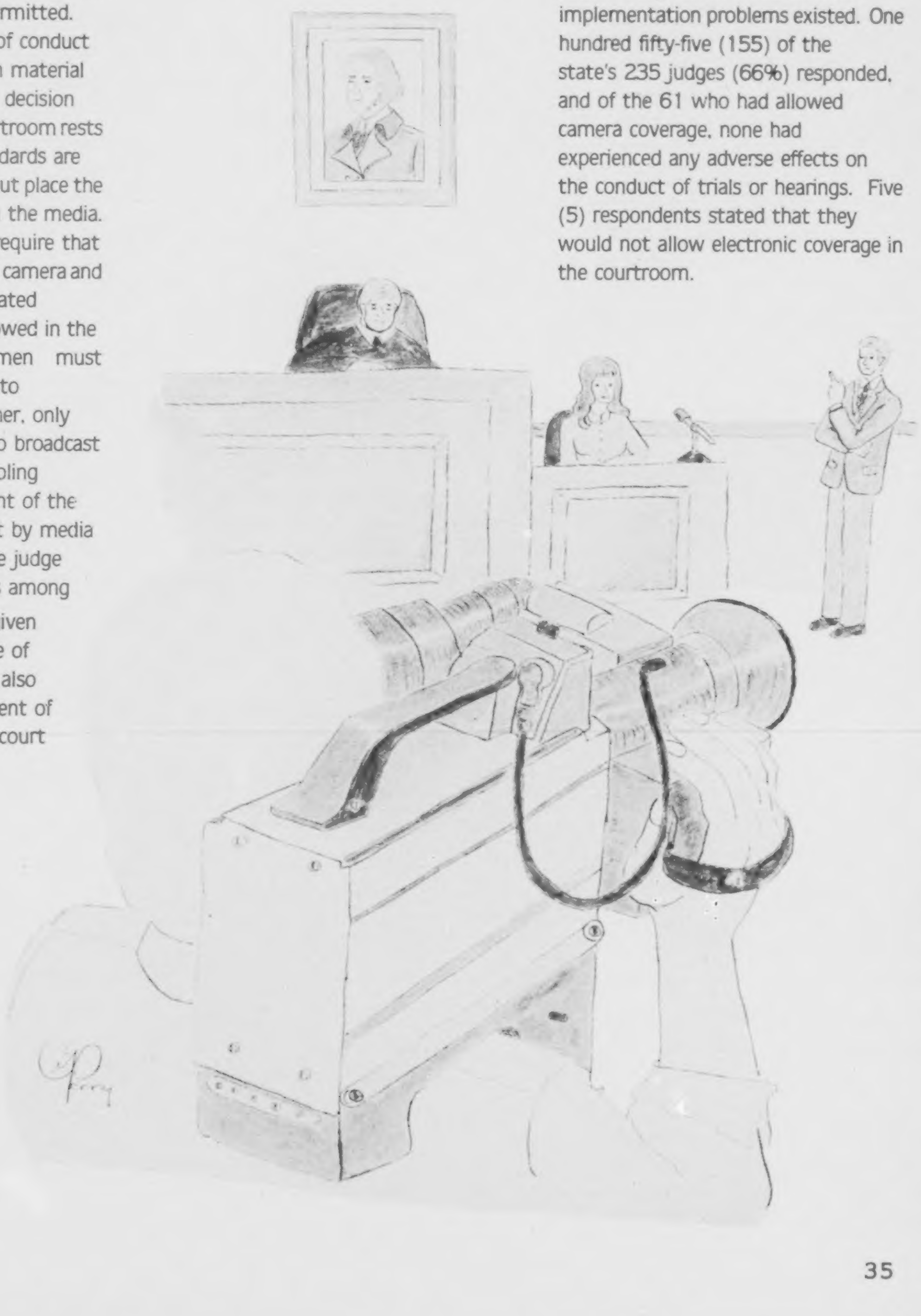
CAMERAS IN THE COURTROOM

Effective July 1, 1981, by amendment to the Rules of the Supreme Court (SCR 4.300, Canon 3A (7)), the use of electronic equipment in Kentucky courtrooms is permitted.

Subject to standards of conduct and technology set forth in material appended to the rules, the decision to allow cameras in the courtroom rests with each judge. The standards are simple and easy to follow, but place the burden of compliance upon the media.

Essentially, the rules require that only one portable television camera and one still camera, each operated by one person, shall be allowed in the courtroom; the cameramen must remain stationary in order to prevent distractions. Further, only one audio recorder for radio broadcast purposes is permitted. Pooling procedures for each segment of the media must be worked out by media representatives without the judge having to mediate disputes among them. The judge, having given permission for the presence of electronic equipment, may also order its removal in the event of any disruptions in court proceedings.

A survey was conducted in August 1981, six weeks after the effective date of the rules amendment, to preliminarily determine if serious implementation problems existed. One hundred fifty-five (155) of the state's 235 judges (66%) responded, and of the 61 who had allowed camera coverage, none had experienced any adverse effects on the conduct of trials or hearings. Five (5) respondents stated that they would not allow electronic coverage in the courtroom.



THE CAMPBELL COUNTY ECONOMICAL LITIGATION PROJECT

Concerned about unnecessary delay and costs of civil litigation and about the public image of the courts, Kentucky Supreme Court Chief Justice John S. Palmore requested assistance from the American Bar Association Action Commission to Reduce Court Costs and Delay in early 1980 to address these problems. As a result of the cooperation of the Action Commission, the Kentucky Administrative Office of the Courts, judges, and attorneys, an economical litigation project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow. The Circuit Court of Campbell County, the pilot project circuit, is a two-judge, medium caseload, urban court. What follows is a description of the Campbell County Economical Litigation Project—the special rules of civil procedure, the case management system, the results to date, and the future of the program.

Under the special rules of court adopted for the economical litigation project, only civil cases respecting contracts, personal injury, property damage, land condemnation, and termination of parental rights are assigned to the ELP docket. Table 3 compares the ELP and regular docket caseloads by case type. Domestic relations cases which account for approximately 47% of the civil caseload in Campbell County are not included. Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special rules. Relevant aspects of the rules are as follows:

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference which includes the trial judge and all parties is essentially designed to plan the course of discovery and discuss any special needs regarding the limits on discovery and case event time. At this conference a pretrial conference is scheduled within 60 days of the discovery conference.

2. Depositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the cause of action in order to facilitate prompt progress of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

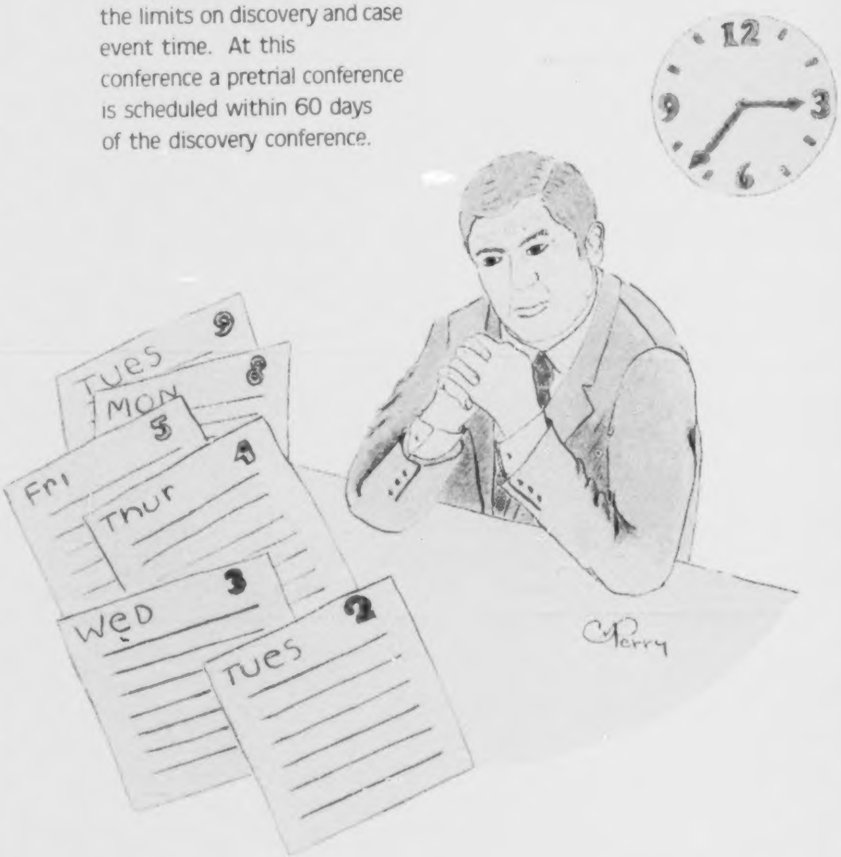


TABLE 3

Case Type Comparison *

Case Type	ELP	Regular Docket
Contract	67%	53%
Personal Injury	19%	19%
Property Damage	11%	12%
Property Rights	3%	6%
	100%	100%

* No adoption-termination of parental rights cases were assigned to the program in its first year.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than 10 days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. Under the special rules a firm trial date is to be set at the pretrial conference no later than 30 days after the conference. Due to busy attorney calendars, the chief judge found it more realistic to set a firm trial date at the discovery conference. This practice enables the parties to schedule for trial in 90 days rather than the 30 days after the pretrial conference. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

In the Campbell County experiment the successful implementation of the ELP rules can be attributed to a chief judge committed to the concept of economical litigation, an able court administrator, and a cooperative circuit clerk's office. Each of these members of the court guided by the substance and spirit of the special rules is an integral element of a caseflow management system.

The judges, particularly the chief judge, are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until its last day. Emphasis is placed on an early discovery conference, and a firm trial date. There is little hesitation to call attorneys if a case is found to be severely lagging behind the targeted event dates.

It is not meant to imply that in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief is granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the court administrator and the clerk's staff. The clerks are responsible for administering the random assignment procedure for the ELP and regular dockets, and assigning each ELP case a special jacket and case number. Other than these deferences, the ELP cases move through the clerk's office as do all other cases.

At the heart of the case monitoring system is the court administrator. His responsibilities include tracking the ELP cases from filing to disposition; informing the judges of the status of the cases, i.e., those cases pending conferences of trial, those deviating from the targeted track of events, etc.; and notifing parties of conferences, lack of service of the complaint, or failure to respond to the complaint. In order to fulfill these responsibilities the court administrator maintains a manual caseflow tracking system. Such a system enables the administrator to monitor the caseflow closely, flag cases which are not proceeding according to rule, and notify the judges and the attorneys of delay.

With this understanding of the rules and the case management system, an evaluation of the effectiveness of the project is appropriate.

As of June 30, 1982, the results of the Campbell County Economical Litigation Project are dramatic. Based upon the ELP cases closed and a historical sample of civil cases which closed prior to the project in the 17th Circuit, all reported statistics are significant at the .05 level. ELP cases closed at a mean age of five months (151 days) as compared to the 16 months (458 days) mean closing age of the regular docket cases. Overall time from filing to dispositon is reduced by 11 months. Additionally, there are reductions in processing time of every major case event in the ELP cases that went to trial:

1. Pleadings are completed 1 1/3 months earlier than in the regular docket cases,
2. Discovery is completed 10 months earlier;
3. Pretrial is reached 6 1/2 months earlier, and
4. Trial is held 1 1/2 months earlier.

Table 4 compares the flow of ELP cases that went to trial to the regular docket cases which reached trial. Although there are a variety of other statistics available on other facets of the project, the numbers cited demonstrate the effectiveness of the economical litigation project in reducing delay in civil cases. Thus delay is reduced, what about costs?

The question of litigation costs is primarily related to attorney time expanded per case and the number of discovery devices filed per case. In an attempt to capture information on cost, the ABA Action Commission surveyed the attorneys practicing in the Campbell circuit. The findings of the Commission indicate that there are cost savings in terms of attorney time spent on ELP cases. Of the attorneys surveyed, 51% reported spending less time overall on ELP cases while 60%

TABLE 4

Speed of Litigation
(Mean Time in Days)

	Filing to 1st Answer	1st Discovery Event to Last Discovery Event	Pretrial Conference to 1st Trial Day	Final Trial Day to Final Disposition
ELP Docket	27	56	83	12
Regular Docket	56	346	115	65

reported spending less time in formal discovery. Supporting data reveals that fewer depositions and interrogatories are filed in ELP cases. The Action Commission survey finds that five times as many attorneys reported reducing costs to clients in all or nearly all of the ELP cases than in few or none of the cases. It appears from this response that at least some of the costs savings are being passed along to clients.

The results to date from the Campbell County Economical Litigation Project establish its success in reducing delay and costs. The judges and local bar believe the program to be effective and support its continuation. If reducing delay and costs in civil litigation does improve the judicial system, then indeed the Campbell County circuit is the better for the project.

Due to the success of the project in Campbell County, the Kentucky Supreme Court has decided to extend the economical litigation program to the 21st Circuit, a rural, single-judge, multi-county circuit and to the 13th Division of the 30th Circuit, the busiest court in the state. The Campbell County circuit, the 21st Circuit, and the 30th Circuit generally represent the various characteristics of the other 53 circuits in Kentucky. By extending the economical litigation program to these circuits, further evidence can be gathered to determine the viability of the program in different judicial environments.

CRIMINAL RULES REVISION COMMITTEE

At the request of the Judicial Council, a Criminal Rules Revision Committee was formed and worked for two years to develop recommendations for major changes in the Kentucky Rules of Criminal Procedure. Members of the committee were:

Judge Thomas B. Spain, Chairman
Circuit Court, Madisonville

Judge J. B. Johnson
Circuit Court, Williamsburg

Judge John K. Carter
District Court, Louisville

Judge Leonard L. Kopowski
District Court, Newport

Representative Charles R. Holbrook, III
Practicing Attorney and Legislator,
Ashland

Professor Robert G. Lawson
University of Kentucky College of Law,
Lexington

Terence Fitzgerald, Esquire
Office of Public Advocacy, Louisville

James E. McDaniel, Esquire
Commonwealth's Attorney, Owensboro

David E. Murrell, Esquire
Office of Public Advocacy, Frankfort

James M. Ringo, Esquire
Assistant Attorney General, Frankfort

Larry S. Roberts, Esquire
Commonwealth's Attorney, Lexington

J. Thomas Soyars, Esquire
County Attorney, Hopkinsville.

The committee met on 16 occasions before completing its work. The committee proposals were submitted to the Judicial Council and subsequently recommended to the Supreme Court for their consideration. A public hearing on the proposed rules was held on December 9, 1980, after which the Supreme Court began its deliberation. By order of the court entered June 12 1981, to become effective September 1, 1981, certain amendments were adopted.

Many of the amendments adopted by the court were ministerial, but necessary to conform the rules to the present organization of the Court of Justice. The amendments further clarified a number of technical points about which there had been some confusion.

Although 112 amendments were made to the rules, several major changes were especially noteworthy. A new rule was adopted, RCr 4.43, which spells out the method by which a defendant might appeal from the conditions of bail. The rule codifies the case law established in the Court of Appeals case of Abraham v. Commonwealth, which says that review of a circuit court decision on bail is by way of appeal, and which recognizes the remedy of habeas corpus for the review in circuit court of district court decisions.

The traditional secrecy of grand jury proceedings was preserved throughout the body of the rules. Amended RCr 5.24 clearly prohibits all persons present during grand jury proceedings from divulging any testimony, and provides that a violation of the rule is punishable as a contempt of court.

RCr 5.16 mandates that all testimony before a grand jury be recorded, though not necessarily be transcribed. The Commonwealth's Attorney may appoint a stenographer to record the proceedings by shorthand, or an electronic recording device may be used. Failure to record proceedings shall be grounds for dismissal unless failure of the recording device should constitute good cause. Although recorded testimony must remain secret, a defendant indicted by the grand jury may obtain a transcript of the testimony pertinent to his own case upon payment of its reasonable cost.

Under the provisions of RCr 6.02, a criminal defendant charged with an offense constitutionally required to be prosecuted by indictment may waive indictment by notice in writing to the circuit court, and be proceeded against by information, thus eliminating the necessity of waiving the action of the grand jury. This should reduce costs and delay, especially when the defendant wished to plead guilty.

A new rule adopted by the court, RCr 9.26, allows a defendant to waive a jury trial in writing, with approval of the court and consent of the Commonwealth. However, in such cases, the judge is required to make findings of fact.

RCr 7.02 liberalizes the provisions of the criminal rules relating to the issuance of subpoenas, and sets out in full the procedures to be followed in the subpoena process.

Indispensable witness may be required to give bail to insure appearance as a witness under the new provisions of RCr 7.06. This was the present rule, under which the court may commit to custody a witness who fails to give bail, but the new feature is that the court may permit the witness to give a deposition and be discharged from custody.

Several proposals made by the Criminal Rules Revision Committee which would have had a broad impact on criminal justice procedures were rejected by the Supreme Court.

Among those recommended changes the court refused to adopt was proposed RCr 9.84, which called for the judge rather than the jury to fix the penalty in a criminal case. The proposed "judge sentencing" rule has produced a great deal of controversy among the members of the legal profession.

Other recommendations that were not accepted by the Supreme Court included a revision that would allow a defendant to have his attorney present in the grand jury room during deliberations against him. The court also rejected the recommendation to permit a plea of nolo contendere in addition to pleas of guilty or not guilty.

Rules changes which would have enlarged procedures for plea agreement and reciprocal discovery were not adopted by the court.

THE JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court. The composition of the Commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1980-82 were:

Ben L. Kessinger, Jr., Esquire
Chairman, Lexington

Judge Kenton Cooper
Court of Appeals, Jamestown

Judge N. Mitchell Meade
Circuit Court, Lexington

Judge Ken G. Corey
District Court, Louisville

Ms. Chloe Gifford
Lexington
*(Deceased-June 1982)

Mr. Drura Scott
Henderson

The Commission, in accordance with Rules of the Supreme Court, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Honorable Richard Nelson
Attorney, Covington

Judge Paul Gudgel
Court of Appeals, Lexington

Judge William E. Allender
Circuit Court, Bowling Green

Judge Julia Tackett
District Court, Lexington
(Term expired, 1982)

Judge John Adams
District Court, Lexington
(Sworn-in, May 1982)

Mr. Paul Willis served as part-time executive secretary of the Commission from its inception in 1976 until he resigned June 31, 1981. He was succeeded by Robert G. Lawson, who served until becoming Dean of the University of Kentucky College of Law in August 1982, when James D. Lawson was elected as his successor.

Jurisdiction and Authority

The jurisdiction of the Commission falls into three categories: (1) disability; (2) misconduct; and (3) lack of statutory qualification.

It has the authority to order a temporary or permanent retirement of any judge of the Court of Justice whom it finds to be suffering from mental or physical disability that seriously interferes with the performance of his duties. It may issue a private reprimand or public censure or suspend a judge without pay or remove or retire any judge it finds to be guilty of any one or more of the following: (1) misconduct in office; (2) persistent failure to perform his duties; (3) incompetence; (4) habitual intemperance; (5) violation of the Code of Judicial Conduct, Rule 4.200; (6) any willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court and issued by the Chief Justice in his constitutional capacity as Chief executive officer of the Court of Justice; (7) conviction of a crime punishable as a felony. Finally, it is required to remove a judge whom it finds to lack the constitutional and statutory qualifications for the judgeship in question. The rules state that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission is, however, a component of the budget of the Court of Justice and the AOC provides invaluable administrative support to the Commission and its limited staff.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one or two part-time investigators employed by the Commission. Before a preliminary investigation is conducted, however, the judge is given notice.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the complainant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges and generally to handle the hearing for the Commission.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. A number of major cases were brought before the Commission during this period and several actions of importance were taken. One removal was ordered, but one appeal was overturned by the Kentucky Supreme Court which ruled that a district judge could not be removed from office on grounds of having been convicted of an offense punishable as a felony until the judge's appeal of his conviction was affirmed. During 1980-82 three temporary retirements and one permanent retirement for disability were ordered. Several complaints were resolved after an informal appearance by the judges and without the necessity for formal charges.

The number of complaints filed with the Commission increased significantly from 37 in 1980-81 to 73 in 1981-82. As may be seen in the statistical report, the overall level of commission activity was greater in 1981-82 than in 1980-81.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

Dispositions	1976-77*	1977-78	1978-79	1979-80	1980-81	1981-82
Formal Hearings	0	1	0	1	1	0
Removal	0	0	0	1	1 **	0
Disability Retirement						
Permanent	0	0	1	0	0	1
Temporary	0	0	1	0	2	1
Public Censure	0	1 +	0	1	0	0
Public Censure and Suspension	—	—	—	—	—	1
Private Reprimands	1	0	3	1	0	1
Resignations During Preliminary Investigation	0	0	1	0	0	0
Complaints Resolved After Informal Investigation	0	0	0	5	3	14
Complaints Resolved After Preliminary Investigation	2	0	2	3	0	5
Complaints Dismissed As Frivolous or Unfounded	4	7	14	10	17	32
Complaints Dismissed As Not Within Jurisdiction	0	0	0	5	8	14
Complaints Resolved After Informal Appearance	3	1	3	6	7	5
Pending						
Following Informal Appearance by Judge	—	—	—	1	0	1
Following Preliminary Investigation	—	—	—	—	2	1
Correspondence* **						
Letters Not Constituting a Verified Complaint	Not Tabulated	35	22	15	28	13

* First Meeting December 7, 1976

** On Appeal

*** Excludes Telephone Inquiries for Information

+ See **Nicholson v. Judicial Retirement and Removal Commission**, 562 S.W. 2d 642, 1978.

A. Appellate Court Statistics

1. The Supreme Court

The workload of the Supreme Court increased steadily in both FY 81 and FY 82, as shown in Figure 1. Specifically, total filings increased by 6%, i.e., up 55 cases to 991 in FY 81 and then rose another 12%, or 119 cases to 1,110 case filings in FY 82. Concerning the disposition of matters in this court, dispositions had remained essentially stable between FY 81 and FY 82 when dispositions rose by 26.5% to 1,102. Subsequently, FY 82 witnessed a moderate 12% drop in dispositions to 965 although this was still well above the earlier three-year average.

As a result of the increased disposition activity in FY81, the number of pending cases at the end of FY 81 dropped to 254. This constituted the lowest level of pending workload since the Supreme Court was established in 1976. However, with a continued increase in filings in FY 82, particularly discretionary review motions and somewhat lower number of dispositions during this period, the number of pending has risen again to register 399 pending cases at the end of FY 82.

Figure 2 reports the case filings and dispositions for the following case categories in FY 81 and FY 82: motions for transfer and motions for injunctive relief, direct appeals and original actions, discretionary review, and petitions for rehearing.

In both fiscal years, motions for discretionary review comprised the majority of matters filed with the Supreme Court (64% and 67% of the total caseload in FY 81 and FY 82, respectively) as well as the majority of matters disposed. As such, fluctuations in this category are reflected in the court's total workload. For example, in FY 81 it was the increase in discretionary review dispositions to 752 which exceeded discretionary review filings of 629 that in turn accounted for the substantial reduction of the total backlog of the Supreme Court during FY 81. On July 1, 1981, a change in the rules granted attorneys the option of filing a petition for rehearing with the Court of Appeals or filing a motion for discretionary review directly with the Supreme Court within 20 days of receiving an opinion from the Court of Appeals. This appears to have encouraged an increase in discretionary review filings in FY 82 from 629 to 744 during this year. Because of a variety of factors, including the loss of a justice on the Court by death, the dispositions of 664 during this fiscal year did not match the level of FY 81 dispositions or FY 82 filings. Consequently, the backlog for discretionary review matters and the total caseload increased by 80 cases or 61% and 145 or 37%, respectively.

Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court, i.e., 28% or 277 cases in FY 81 and 23% or 256 cases in FY 82. In FY 81, 275 direct appeals and original actions were reported disposed; in FY 82, 196 were disposed. Filings and dispositions in this particular category have declined for the past three years.

Figure 1

SUPREME COURT HISTORICAL

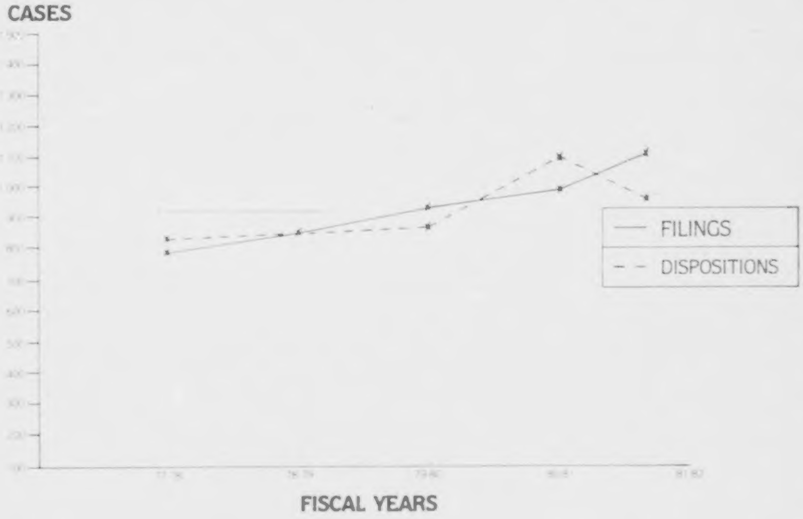
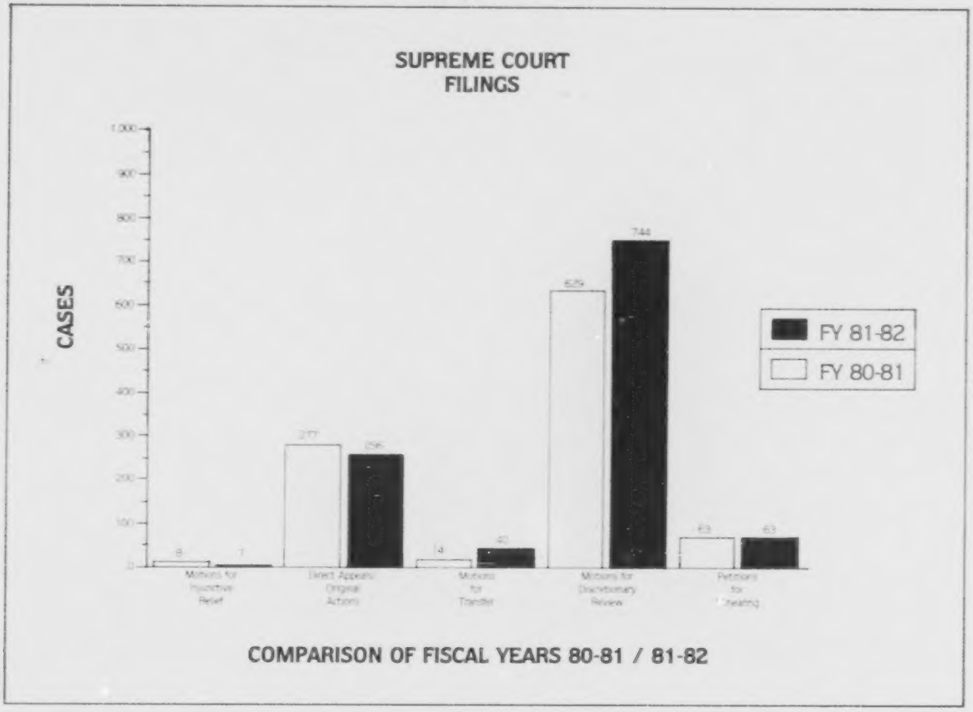
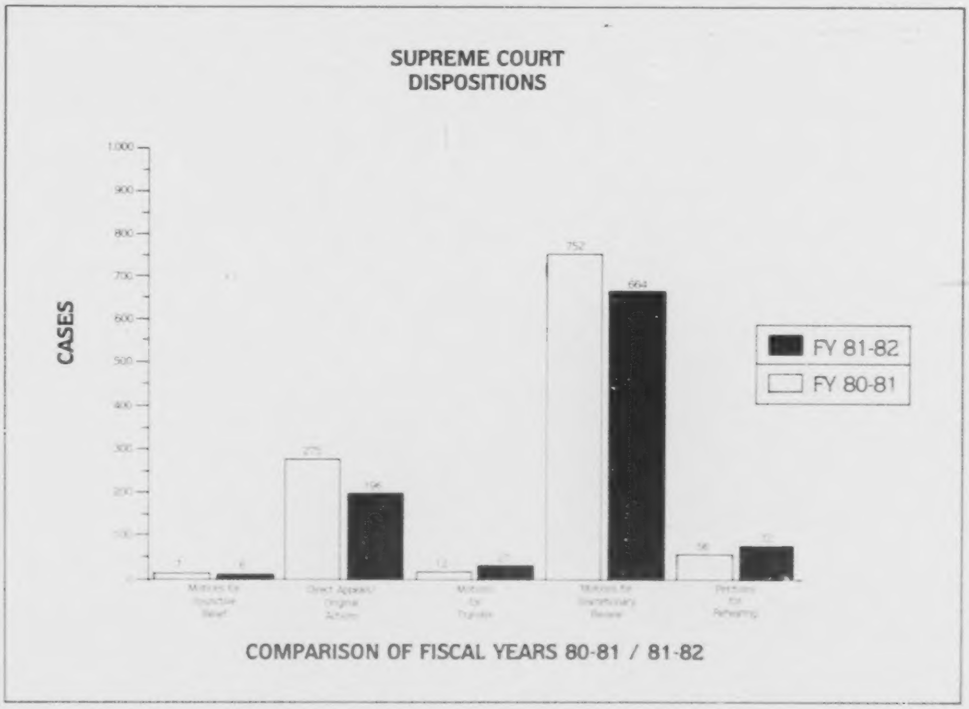


Figure 2


SUPREME COURT
FILINGS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
8
7
277
256
14
40
629
744
63
63
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
FY 81-82
FY 80-81
COMPARISON OF FISCAL YEARS 80-81 / 81-82


SUPREME COURT
DISPOSITIONS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
7
6
275
196
12
27
752
664
56
72
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
FY 81-82
FY 80-81
COMPARISON OF FISCAL YEARS 80-81 / 81-82

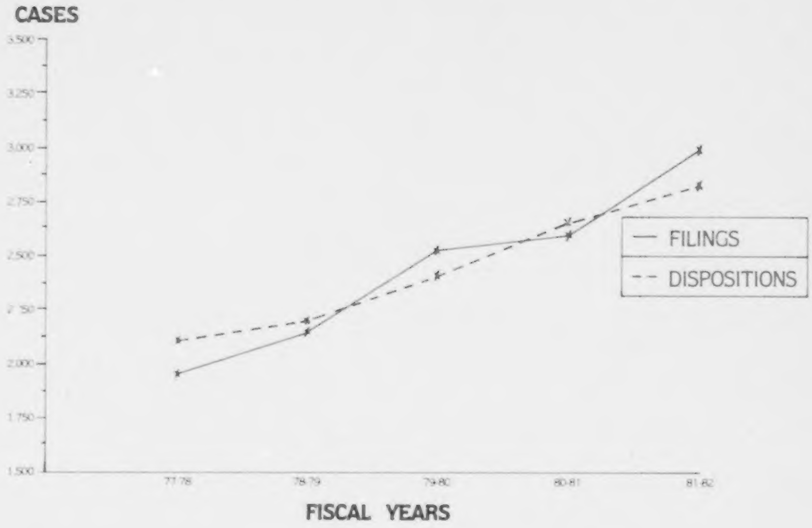
The volume of injunctive relief matters (Rule 65.09) filed and disposed has remained stable for the past three years. In FY 81, eight motions were filed and seven disposed. In FY 82, seven motions were filed and six disposed. Similarly, petitions for rehearing filed have not fluctuated, with 63 filed in both FY 81 and FY 82; 56 and 72 petitions were disposed, respectively.

Between FY 81 and FY 82, the number of transfers increased almost threefold, rising from 14 in FY 81 to 40 in FY 82. This increase appears linked to the adoption of Rule 7.18 which permits the transfer of cases with statewide or broad impact directly to the Supreme Court, thus bypassing the Court of Appeals.

A total of 272 opinions and opinions and orders were issued during FY 82 by the Supreme Court; during FY 81, 282 opinions (300 matters) were reported. Because of a change in reporting, only court orders during the January-June period in 1982 are available. Thus, for the first six months of 1982, 340 orders were reported issued. In addition to these caseload data, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time represent a significant workload factor. For example, 814 of these general motions were filed in FY 81 and 947 were filed in FY 82.

In the Statistical Supplement that accompanies this volume, the Supreme Court caseload between FY 78 to FY 82 is reported. Also elaborated in greater detail is the manner of disposition of these various case types.

Figure 3
COURT OF APPEALS HISTORICAL

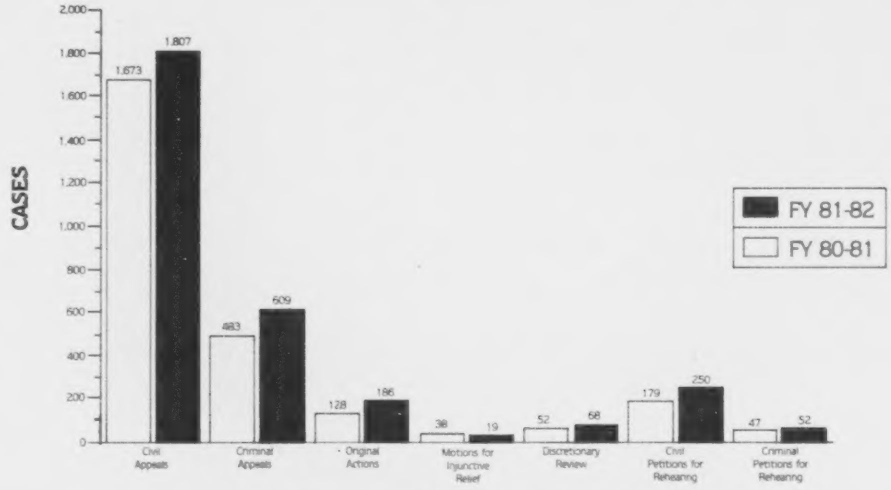


2. The Court of Appeals

Caseload figures in the Court of Appeals have increased 18% over the past two years. Total filings increased slightly (3%) in FY 81 to 2,600 while in FY 82, filings rose sharply, up 391 or 2,991. Dispositions in the Court of Appeals increased by 10% in FY 81 to 2,653 and surpassed the number of filings for this period by 53. In FY 82, dispositions rose again, by 7% to 2,833. Figure 3 graphically illustrates these data. Despite the high level of dispositions in FY 81 and FY 82, the level of pending cases by the end of FY 82 reached 1,247 which represented a 9% increase over the past fiscal years.

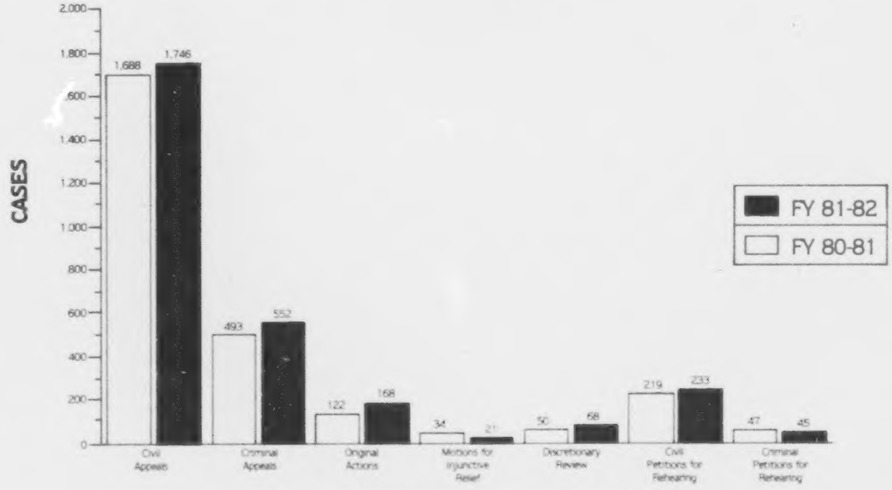
As the bar graphs in Figure 4 reveal the largest proportion of matters filed and heard by the Court of Appeals in FY 81 and FY 82 were direct appeals. As such, civil appeals composed approximately two-thirds of all matters filed in these two years; criminal appeals averaged 20% of all matters filed during this time. There was only a slight increase in civil filings in FY 81, i.e., four cases, and moderate increase of 8% or 134 cases in FY 82. Criminal appeals increased by a larger extent, i.e., 10% or 46 cases in FY 81 and 26% or 126 cases in FY 82. In FY 81, the disposition of civil and criminal direct appeals exceeded filings and the backlog for all direct appeals decreased by 25. However, in FY 82, dispositions did not keep pace with the rather large increase in filings so the backlog grew in the civil and criminal categories of direct appeals by 12%. This, in large part, accounted for the increase in pending matters overall for the Court of Appeals.

Figure 4



COURT OF APPEALS
FILINGS

COMPARISON OF FISCAL YEARS 80-81 / 81-82



COURT OF APPEALS
DISPOSITIONS

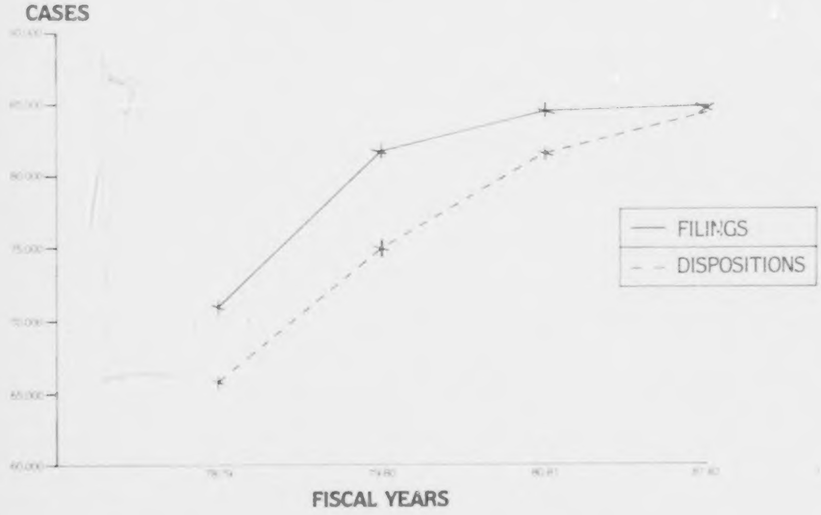
COMPARISON OF FISCAL YEARS 80-81 / 81-82

Although original actions, discretionary review matters, and criminal petitions for rehearing are filed much less frequently than the direct appeals, there has been a steady increase in all these categories' case filings over the past several years. As the display in Figure 4 and historical data contained in the Statistical Supplement reveals, dispositions of these matters have increased by approximately the same proportion as filings, thereby contributing little to the overall backlog of the court. It should be noted that a "discretionary review" case in the Court of Appeals is not counted in the same manner as a "motion for discretionary review" in the Supreme Court. Specifically, they are comparable only if the motion is denied. If a motion for discretionary review is granted in the Court of Appeals, it continues as a "discretionary review" case until it is disposed. If such a motion is granted in the Supreme Court, it is considered disposed and is refiled as an appeal. Despite this difference, the Court of Appeals and Supreme Court do have a common denominator in the original motion for discretionary review.

In FY 81, the filing and disposition of motions for injunctive relief reached a high point, 38 and 34 respectively. In FY 82, filings and dispositions resumed the level of several years previous to FY 81, i.e., 19 filings and 21 dispositions.

Civil petitions for rehearing, until FY 82, had been declining somewhat and dispositions had exceeded filings in the three fiscal years preceding FY 82. However, during FY 82, the petitions increased by 40% and dispositions did not keep pace. This resulted in the backlog of these matters increasing from FY 81's low of 21, to 38 at the end of FY 82.

Figure 5
CIRCUIT COURT HISTORICAL



In addition to the matters already reported, substantial court time has been devoted to handling 3,177 motions of other types in FY 81 and 1,409 motions in the first six months of FY 82. The collection of this data was discontinued in January, 1982 so a complete count for FY 82 is not available.

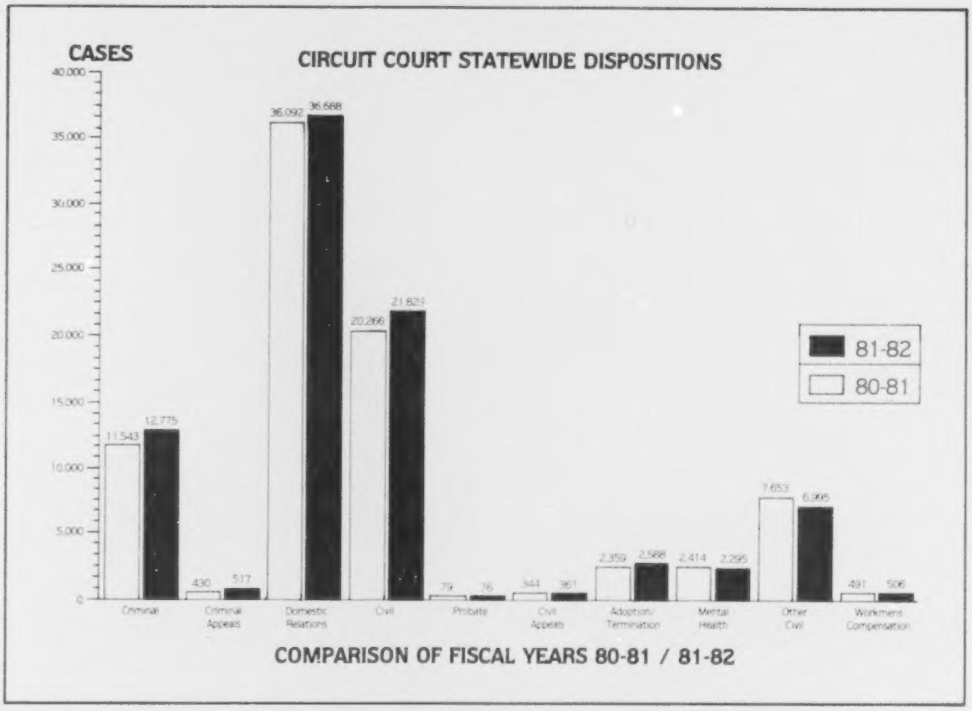
Specific caseload information from FY 78 to FY 82, i.e., filings and dispositions by case type, can be examined in the Statistical Supplement.

B. Trial Court Statistics

1. The Circuit Courts

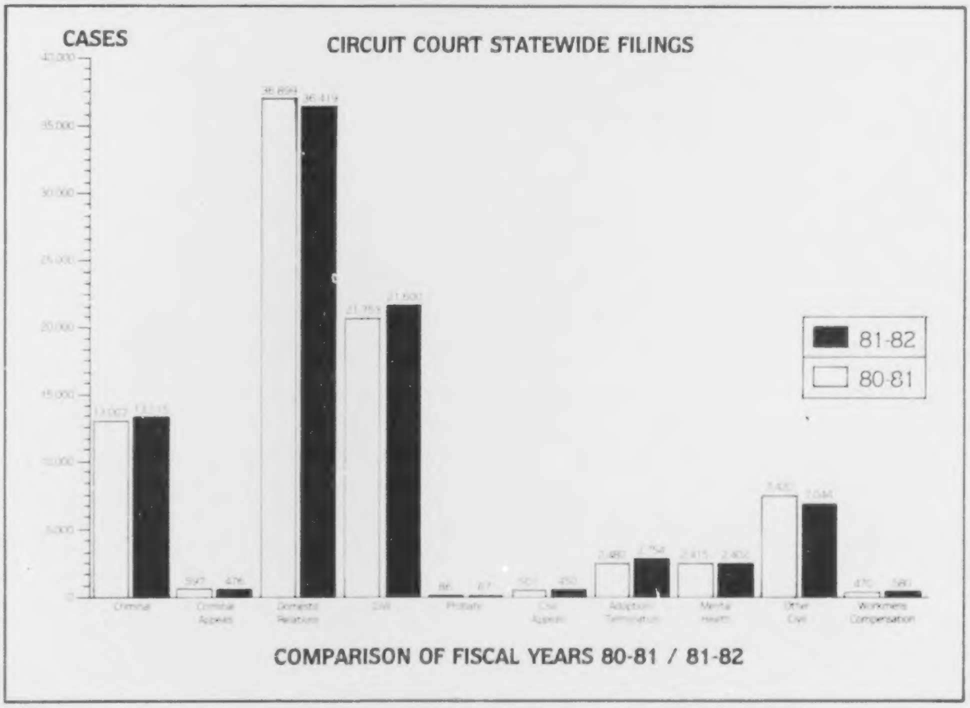
Figures 5 and 6 provide a general overview of the trends and current status of caseload in the circuit courts. As Figure 5 illustrates, the number of new case filings has risen steadily from FY 79 to FY 82, going from 70,899 to 84,915 during these years. Similarly, case dispositions (new or old) have increased during this time from 65,778 to 84,630. As the filing "line" indicates however, the rate of increase has stabilized in the past two fiscal years i.e., evidencing a 4% growth rate between FY 80 and FY 81 and .3% growth between FY 81 and FY 82. The rate of increase in the filings in last fiscal year was lower than that of the rate of increase in dispositions which increased 9% between FY 80 and FY 81 and then rose again 4% in FY 82. In both fiscal years, more courts increased their dispositions by a substantial proportion than increased their filings. For example, in FY 81, 52 counties reported

Figure 6



CIRCUIT COURT STATEWIDE DISPOSITIONS

COMPARISON OF FISCAL YEARS 80-81 / 81-82



CIRCUIT COURT STATEWIDE FILINGS

COMPARISON OF FISCAL YEARS 80-81 / 81-82

over a 15% increase in dispositions as compared to 23 counties with an increase in filings over 15%. In FY 82, a similar proportion was found, i.e., 41 counties with over a 15% increase in dispositions as compared to 18 counties which increased in filings more than 15%.

The continued rise in dispositions appears closely related to the judges' efforts to purge "old" or nonprogressing cases from their dockets. In addition to the individual efforts of judges, the collective resources of the regional administration program has been directed to jurisdictions that needed assistance in reducing the courts backlog. Major projects of this type have been conducted by judges in both the Southeastern and Eastern Regions.

As a result of this notable case handling activity, the gap between filings and dispositions has obviously been narrowed. In FY 81, an overall clearance rate of 96.5% was produced when the ratio of the number of dispositions during the year (old or new cases) to the number of **new** cases filed was calculated. In FY 82, this clearance ratio was 99.7%. This high ratio represents a lowering of backlog which is a function of the lower growth rate in filings and the continuing efforts of judges to clear dockets by disposing of old, nonprogressive cases.

Figure 6 utilizes bar charts to compare the FY 81 new case filings and FY 81 dispositions by case type to FY 82 filings and dispositions by case type. These bars clearly show how circuit caseload filings have stabilized for the state as a whole and dispositions continue to increase in all categories except probate, mental health proceedings and "other" civil cases. Substantial changes in dispositions were registered in the criminal caseload—up 11% to 12,775, criminal district court appeals—up 20% to 517, civil suits—up 8% to 21,829 and adoption/terminations—up 10% to 2,588. In the categories in which dispositions decreased, i.e., probate, mental health and other civil, it appears there may have been a somewhat erratic jump in FY 81, particularly in other civil case dispositions, that was difficult to maintain in the following year.

The graphs in Figure 6 show that four categories constituted the great majority of circuit court matters in both fiscal years, i.e., domestic relations cases, civil suits, criminal cases and "other" civil cases. In both FY 81 and FY 82, domestic relations cases averaged 44% of the state's total filings and was the largest circuit court case category. The domestic relations category consists primarily of original divorce cases, but also includes post-divorce hearings on matters pertaining to custody, support and visitation. In FY 81, 36,899 domestic relation filings were reported up 4% from the previous year. In FY 82 filings declined slightly to 36,419. Dispositions in both years rose at a higher rate than filings. In FY 82, the 36,688 reported domestic relations dispositions exceeded the FY 82 filings.

The case category with the second highest number of filings in FY 81 and FY 82 was civil suits. While there was no growth in filings in FY 81, a modest increase of 4% was evidenced in FY 82. There were 21,600 filings during FY 82 which constituted 25% of the total circuit caseload. Dispositions averaged a 7% growth in both FY 81 and FY 82 and exceeded filings in FY 82 with 21,829 closed cases reported.

Criminal case filings constituted 15% of the total filings in FY 81 and FY 82. This category had a high rate of growth (15%) in FY 81 but showed only a slight increase in FY 82; 13,115 filings were reported in FY 82, up 108 from FY 81. Likewise, dispositions rose in FY 81 by 17% and then continued to rise another 11% in FY 82, registering 12,775.

Cases categorized as "other civil" suits constituted the fourth largest category of cases in circuit court. These cases include appeals from zoning and other administrative boards, tax appeal cases, uniform reciprocal support cases, Department of Revenue and commonwealth initiated suits, cases involving only injunctive relief, etc. In both FY 81 and FY 82, "other" suits comprised 8% of the total circuit court filings. These suits have registered a modest decline in both fiscal years, i.e., down 5.7% in FY 81 and another 5.1% in FY 82. Dispositions rose significantly (24%) in FY 81 primarily due to a docket purge in Franklin County—a court that handles a substantial portion of the state's "other civil" suits. However, in FY 82, the disposition number declined to much the same degree as filings (9%).

The remaining categories represent a small proportion of the caseload in circuit court, i.e., 3% or less of the total circuit caseload. Even so, several of these categories evidenced large drops, proportionally, in volume between FY 81 and FY 82. For example, criminal district court appeals declined from 597 to 476 in

FY 82 or 20.3%. In contrast, dispositions increased to 517 or 20% in FY 82. Probate cases declined in FY 82, i.e., 22% from 86 to 67. Probate dispositions have remained stable in the past two years, i.e., 79 in FY 81 and 76 in FY 82. Civil district court appeals also showed a modest decline in FY 82, filings down 8.6% from 501 to 458. In contrast, the disposition of civil appeals has risen steadily, with 361 disposed in FY 82. Mental health commitment and competency filings remained virtually stable with 2,415 filings in FY 81 and 2,402 in FY 82. While FY 81 mental health dispositions equalled filings at 2,414, case dispositions dropped below filings in FY 82 when 2,295 were reported. Jurisdiction over mental health proceedings was moved from the circuit court to the district court on July 1, 1982, and will henceforth be reported as district workload.

Workmens compensation case filings dropped by 34.1% or 243 cases in FY 81 to 470, but rose by 110 cases in FY 82 to 580. This is still well below the level of the two years previous to FY 81, i.e., approximately 729. Dispositions followed the filing pattern in FY 81 and dropped by 226 cases (32%) to 491. In FY 82, dispositions increased only slightly, reaching 506. Both filings and dispositions in adoption/termination cases continued their steady increase in FY 81 and FY 82. In FY 82, 2,754 filings and 2,588 dispositions were reported.

Tables 5 and 6 list, respectively, the judicial circuits in rank order of total case filings per judge and dispositions per judge for FY 82. Per judge figures are calculated by dividing the total caseload in a jurisdiction by the number of judges presiding there. Also included on each of these tables are the counties within each circuit, the comparable per judge caseload data and ranks for the FY 81, and the number of judges in the circuit and its region number.

Table 5 shows that filings per judge in FY 82 ranged from 1,380 in Judicial Circuit 34 to 532 in Judicial Circuit 49. The median level of caseload filings for the state is now 901 filings per judge which is up slightly from the FY 81 median of 888. Table 6, dispositions per judge in FY 82 are found to range between 2,095 in the 41st Circuit to 515 in Circuit 23. The median level of dispositions was 890 per judge which is up from 860 per judge in FY 81. As mentioned earlier, there have been several docket "purges" conducted through the auspices of the Regional Administration Program, i.e., several thousand of such cases have been handled in the Southeastern and Eastern Region. Other major docket clearing efforts have been the result of individual efforts, i.e., the 51st Circuit and 48th Circuit in FY 81, or with assistance of AOC Clerk Services staff, i.e. in Union, Webster, Knott and Magoffin Counties. Accordingly, the disposition figures in these courts rose beyond the level of previous years.

An examination of the caseload information in these tables reveals that the level of caseload filed and disposed varies and reflects the diversity in court environments across the state. Jurisdictions differ by the number of counties and judges in the circuits, the amount of travel required, the available support staff and facilities as well as community characteristics such as population growth and jail and social service facilities. When comparing the rank ordering of circuit or district court dispositions per judge between years, it should be noted that dispositions are subject to greater variation over time than are filings, both in number of cases and rankings. Disposition figures can change radically from year to year particularly when a judge calls the docket and disposes of a large number of unenhanced cases on a single order. The "purge" of backlogged cases has occurred in several jurisdictions during this year. In contrast, case filings per judge do not depend upon any actions of the court, but rather the characteristics of the community and law enforcement—which tend to change more slowly. Therefore, it must be remembered that while the caseload information in Table 5 and 6 is a useful tool for comparing workload, it is not the sole indicator of time and effort expended by the judge.

In summary, circuit court filings in both FY 81 and FY 82 continue to increase, but at a lesser rate than dispositions. This lower rate of increase in filings relative to dispositions resulted in a 56.4% decrease in backlog in FY 81 and 90.4% decrease by FY 82. Whether the trend of lowered filings is linked to a slower economy or some other factor has yet to be established. In any case, this filing trend has permitted many courts to direct their attention to their pending caseload and resulted in an improved clearance rate for the circuit court.

The Statistical Supplement that accompanies this volume provides an overview of the filing and disposition trends for the four fiscal years since FY 78-79. Also available in this Supplement is detailed caseload information for each circuit and the counties that compose it for FY 81 and FY 82.

Table 1

FISCAL YEAR 1981-1982 RANKED TOTAL CIRCUIT COURT CASE FILINGS PER JUDGE

81-82 RANK	81-82 FILINGS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				80-81 FILINGS PER JUDGE		NO. OF JUDGES	CIRC REGION NO
							NO.	RANK		
1	1380	# 34	MCCREARY	WHITLEY			1376	(1)	1	8
2	1346**	# 54	BOONE	GALLATIN			1305	(2)	1	6
3	1302	# 51	HENDERSON				1152	(6)	1	2
4	1232**	# 14	BOURBON	SCOTT	WOODFORD		1114	(8)	1	5
5	1222	# 31	FLOYD				1248	(4)	1	10
6	1207**	# 6	DAVIESS				1170	(5)	2	3
7	1175**	# 28	PULASKI	ROCKCASTLE			1136	(7)	1	8
8	1149	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1095	(12)	1	4
9	1149**	# 35	PIKE				1099	(11)	2	10
10	1128	# 41	CLAY	JACKSON	LESLIE		1304	(3)	1	9
11	1105**	# 13	GARRARD	JESSAMINE	LINCOLN		1113	[illegible]	1	8
12	1093	# 22	FAYETTE				1016	(20)	6	
13	1070**	# 8	WARREN				1051	(16)	2	3
14	1058	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	1061	(15)	1	9
15	1054	# 42	CALLOWAY	MARSHALL			1103	(10)	1	1
16	1015	# 9	HARDIN				971	(25)	2	4
17	1011**	# 17	CAMPBELL				958	(26)	2	6
18	1010	# 26	HARLAN				1028	(17)	1	10
19	997**	# 30	JEFFERSON				1023	(19)	16	
20	966	# 20	GREENUP	LEWIS			1077	(14)	1	7
21	964	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	885	(29)	1	4
22	945**	# 12	HENRY	OLDHAM	TRIMBLE		977	(23)	1	5
23	933**	# 10	HART	LARUE	NELSON		999	(21)	1	4
24	921**	# 4	HOPKINS				1027	(18)	1	2
25	921	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	892	(28)	1	1
26	918**	# 50	BOYLE	MERCER			979	(22)	1	8
27	906**	# 48	FRANKLIN				1079	(13)	2	5
28	902**	# 32	BOYD				940	(27)	2	7
29	901	# 46	BRECKINRIDGE	GRAYSON	MEADE		825	(35)	1	3
30	888	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	975	(24)	1	3
31	873	# 40	CLINTON	RUSSELL	WAYNE		825	(34)	1	4
32	849	# 53	ANDERSON	SHELBY	SPENCER		694	(46)	1	5
33	827	# 7	LOGAN	TODD			785	(38)	1	2
34	826	# 43	BARREN	METCALFE			836	(33)	1	4
35	821	# 36	KNOTT	MAGOFFIN			819	(36)	1	10
36	820	# 16	KENTON				845	(32)	4	6
37	816	# 45	MCLEAN	MUHLENBERG			882	(30)	1	2
38	812**	# 25	CLARK	MADISON			796	(37)	2	9
39	804**	# 37	CARTER	ELLIOTT	MORGAN		740	(41)	1	7
40	786	# 39	BREATHITT	POWELL	WOLFE		740	(42)	1	9
41	775**	# 27	KNOX	LAUREL			874	(31)	2	8
42	765	# 15	CARROLL	GRANT	OWEN		719	(44)	1	5
43	759	# 44	BELL				741	(40)	1	8
44	752	# 55	BULLITT				634	(50)	1	4
45	750	# 5	CRITTENDEN	UNION	WEBSTER		741	(39)	1	2
46	720**	# 3	CHRISTIAN				720	(43)	2	2
47	719	# 33	PERRY				700	(45)	1	10
48	704	# 23	ESTILL	LEE	OWSLEY		582	(54)	1	9
49	699**	# 24	JOHNSON	LAWRENCE	MARTIN		676	(48)	2	7
50	679**	# 2	MCCRACKEN				689	(47)	2	1
51	665**	# 19	BRACKEN	FLEMING	MASON		577	(55)	1	6
52	660	# 47	LETCHER				645	(49)	1	10
53	621	# 52	GRAVES				626	(52)	1	1
54	606	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	586	(53)	1	1
55	556**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	553	(56)	1	6
56	532	# 49	ALLEN	SIMPSON			633	(51)	1	3

MEDIAN PER-JUDGE FILINGS = 901

STATEWIDE MEAN (AVERAGE) = 933

Table 6

FISCAL YEAR 1981-1982 RANKED TOTAL CIRCUIT COURT CASE DISPOSITIONS PER JUDGE

81-82 RANK	81-82 DISPOSITIONS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				80-81 DISPOSITIONS PER JUDGE		NO. OF JUDGES	CIRC. REGION NO.
							NO.	RANK		
1	2095	# 41	CLAY	JACKSON	LESLIE		961	(16)	1	9
2	1665	# 34	MCCREARY	WHITLEY			1626	(1)	1	8
3	1403	# 31	FLOYD				1547	(2)	1	10
4	1344	# 51	HENDERSON				978	(12)	1	2
5	1286	# 9	HARDIN				974	(13)	2	4
6	1261**	# 54	BOONE	GALLATIN			1166	(6)	1	6
7	1142**	# 28	PULASKI	ROCKCASTLE			1080	(7)	1	8
8	1127**	# 6	DAVIESS				1198	(5)	2	3
9	1103**	# 35	PIKE				1019	(11)	2	10
10	1073	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1030	(10)	1	4
11	1061	# 44	BELL				803	(33)	1	8
12	1051	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	961	(15)	1	9
13	1029	# 39	BREATHITT	POWELL	WOLFE		639	(45)	1	9
14	1026	# 22	FAYETTE				884	(26)	6	
15	1024**	# 48	FRANKLIN				1433	(3)	2	5
16	1016**	# 27	KNOX	LAUREL			960	(17)	2	8
17	1012**	# 12	HENRY	OLDHAM	TRIMBLE		956	(19)	1	5
18	1011	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	855	(30)	1	1
19	1000**	# 50	BOYLE	MERCER			972	(14)	1	8
20	993**	# 30	JEFFERSON				1039	(9)	16	
21	968**	# 32	BOYD				862	(28)	2	7
22	957	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	763	(35)	1	3
23	946	# 43	BARREN	METCALFE			681	(40)	1	4
24	940**	# 4	HOPKINS				941	(21)	1	2
25	926**	# 14	BOURBON	SCOTT	WOODFORD		1058	(8)	1	5
26	911**	# 10	HART	LARUE	NELSON		811	(32)	1	4
27	902	# 26	HARLAN				1241	(4)	1	10
28	891	# 45	MCLEAN	MUHLENBERG			813	(31)	1	2
29	889**	# 8	WARREN				916	(23)	2	3
30	889	# 46	BRECKINRIDGE	GRAYSON	MEADE		905	(25)	1	3
31	877	# 7	LOGAN	TODD			637	(46)	1	2
32	853**	# 20	GREENUP	LEWIS			750	(36)	1	7
33	853**	# 25	CLARK	MADISON			740	(37)	2	9
34	831	# 42	CALLOWAY	MARSHALL			910	(24)	1	1
35	814	# 5	CRITTENDEN	UNION	WEBSTER		639	(44)	1	2
36	811	# 33	PERRY				616	(47)	1	10
37	780**	# 17	CAMPBELL				873	(27)	2	6
38	757	# 16	KENTON				859	(29)	4	6
39	752**	# 3	CHRISTIAN				609	(49)	2	2
40	746	# 53	ANDERSON	SHELBY	SPENCER		708	(39)	1	5
41	744**	# 13	GARRARD	JESSAMINE	LINCOLN		956	(20)	1	8
42	739	# 15	CARROLL	GRANT	OWEN		786	(34)	1	5
43	728	# 40	CLINTON	RUSSELL	WAYNE		654	(43)	1	4
44	721**	# 2	MCCRACKEN				663	(42)	2	1
45	692**	# 24	JOHNSON	LAWRENCE	MARTIN		737	(38)	2	7
46	672	# 36	KNOTT	MAGOFFIN			452	(56)	1	10
47	660**	# 37	CARTER	ELLIOTT	MORGAN		958	(18)	1	7
48	644	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	493	(55)	1	4
49	603	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	664	(41)	1	1
50	603	# 55	BULLITT				564	(52)	1	4
51	602	# 47	LETCHER				928	(22)	1	10
52	583**	# 19	BRACKEN	FLEMING	MASON		608	(50)	1	6
53	535	# 49	ALLEN	SIMPSON			595	(51)	1	3
54	529	# 52	GRAVES				499	(54)	1	1
55	518**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	615	(48)	1	6
56	515	# 23	ESTILL	LEE	OWSLEY		503	(53)	1	9

MEDIAN PER JUDGE DISPOSITIONS = 890

STATEWIDE MEAN (AVERAGE) = 930

2. The District Courts

The district court historical line graph, Figure 7, illustrates that the decrease in filings in FY 81-82 was a culmination of the decreasing growth rate of filings in past years. It is also apparent that dispositions continued to increase at a relatively stable rate. The rates of change in filings for FY 1979-80, FY 1980-81, and FY 1981-82 are 9.4%, 1.4%, and -4.2% respectively. The growth rates for disposition in those same years are 13.2%, 2.4%, and 3.3% respectively. Increasing dispositions and decreasing filings result in a reduction of the number of cases pending in district court. At the beginning of FY 1980-81, there were 84,471 cases pending. By the end of FY 1981-82, this number was reduced by 60% to 33,807. Athough the case backlog was reduced, the 94.6% clearance rate for FY 1981-82 reveals that dispositions fell behind filings by 3.4%.

Filings in two of the seven case categories, traffic and misdemeanor, account for approximately 71% of the total filings with the remaining percentage of filings relatively evenly distributed among the other five categories. The bar chart for filings, Figure 8, shows that traffic filings in FY 1981-82 decreased by 21,236 cases or 7.4% from filings in the previous fiscal year. This decrease represents a dramatic change in the trend for case filings since traffic filings have increased every year since 1978 with a .3% decrease coming in FY 1980-81. During FY 1981-82, a majority of counties (71) reported some level of decrease in their traffic filings. It appears that this decrease is due to the increased demand for wider police agency enforcement in other areas of law while these agencies continue to operate on austere budgets. It should be noted that the 13.9% decrease in Jefferson County traffic filings in FY 1981-82, the highest volume filings in the state, amounts to 68% of the decreased in statewide traffic filings. In FY 1981-82 there were 49 counties which traffic filings increased to some degree with 23 of these counties reporting increases of 15% or more. The disposition of traffic cases has held at a relatively stable rate with a 1% decrease in FY 1980-81 and a 1% increase in FY 1981-82. Misdemeanors, the second largest case category, comprised 28% of the total filings in FY 1980-81 and FY 1981-82. Filings in this category decreased statewide by 1.5% while dispositions increased by 4%. Again, a high volume caseload county, Fayette, is responsible for 39% of the decrease in total misdemeanor filings. Neither Jefferson nor Fayette contributed to the increase in dispositions. Rather, this overall increase is due to increases of 10% or more in 32 of the other counties.

It is interesting to note the relative changes in the small claims and civil suits categories. Filings in small claims increased by 14.5% in FY 1980-81 as compared to a 6.1% increase in FY 1979-80. On the other hand, the filings of civil suits increased by only 1.0% in FY 1980-81, whereas this category increased by 13.1% in the previous fiscal year. The increased rate of filings in small claims and the decreased rate in civil suits appears to be the result of legislative amendments to KRS 24A.230 which became effective on July 1, 1980. This statute raised the small claims jurisdiction from $500 to $1,000 and appears to have made the use of this court more attractive. These relative changes held true in FY 1981-82. Small claims filings decreased by 12 cases while civil suits filings decreased by 2933 cases. Dispositions in both these caes categories continue to increase.

Figure 7
DISTRICT COURT HISTORICAL

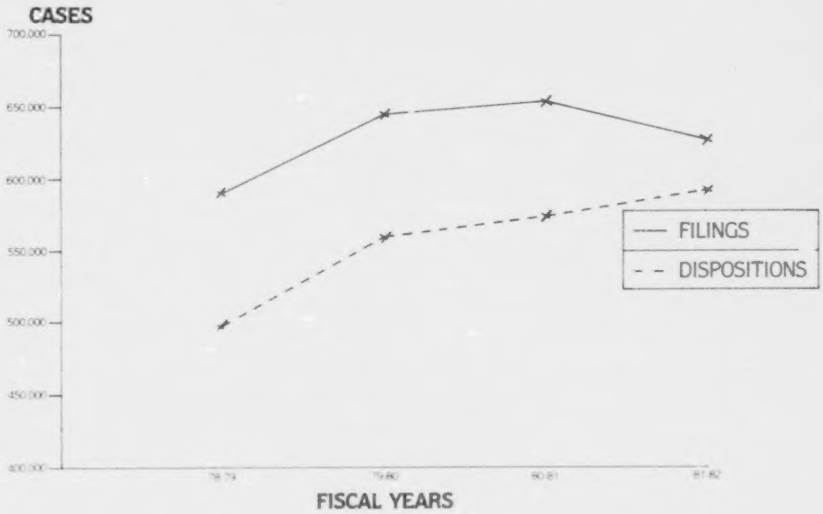
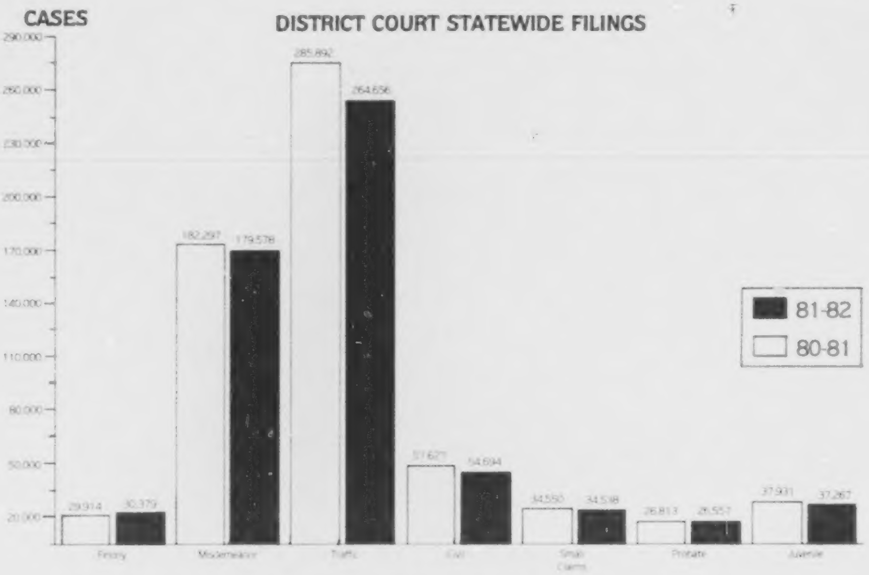
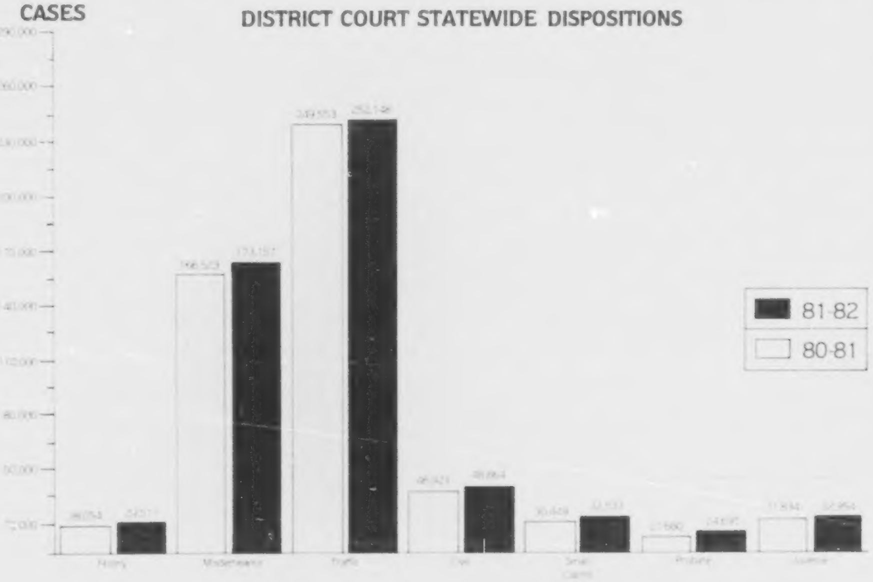


Figure 8



DISTRICT COURT STATEWIDE FILINGS

COMPARISON OF FISCAL YEARS 79-80 / 80-81



DISTRICT COURT STATEWIDE DISPOSITIONS

COMPARISON OF FISCAL YEARS 80-81 /81-82

Filings and dispositions in felony cases increased significantly in FY 1980-81 and continued to increase in FY 1981-82 though at a lower rate. In FY 1980-81 filings increased 12.8% while dispositions increased by 13.4%. Filings and dispositions increased by 1.6% and 5.2% respectively in FY 1981-82. Sixty-four counties reported an increase in felony filings in FY 1981-82 with 41 of these counties reporting increases of 15% or more.

The probate and juvenile case categories each declined in filings and increased in dispositions for FY 1981-82. Probate filings decreased by 1% while dispositions increased by 14.3%. The 43.3% increase in Jefferson County probate dispositions accounted for 67% of the increase in statewide probate dispositions. Filings in the juvenile case category decreased by 1.8% from FY 1980-81 while dispositions increased by 3.5%. As in the other case categories, the number of pending cases in the probate and juvenile categories declined.

Tables 7 and 8 list the judicial districts in rank order of total case filings and dispositions per judge, respectively. For FY 1981-82 district court case filings per judge range from 9385 in the 22nd District to 1886 in the 18th District. With the addition of district judges in Districts 4, 10, 15, 24, 34, 40, 41, 48 and 50 in January, 1981, the filings in these previously high workload counties have been reduced to caseload level at the median (4433) and below. District court dispositions per judge range from 9063 in the 26th District to 1804 in the 18th District. As noted in the Circuit Court Section, differences in caseload filings and dispositions must be expected as the courts in the state vary widely in terms of size, travel required, support staff and other factors.

In summary, filings increased by a slight 1.4% in FY 1980-81 and decreased by 4.2% in FY 1981-82. The 8.8% decrease in filings in Jefferson County accounted for 63% of the decrease in the statewide total for FY 1981-82. Dispositions for both years increased at a greater rate than filings, which means that the number of cases pending in district court decreased. However, despite the higher number of cases handled in the district courts, filings continued to outpace dispositions.

An historical overview of caseload filings and dispositions since FY 78 for the state and a specific breakdown on FY 81 and 82 caseload for the district and each county that composes it can be found in the Statistical Supplement that accompanies this volume.

Table 7

FISCAL YEAR 1981-1982 RANKED TOTAL DISTRICT COURT

CASE FILINGS PER JUDGE

81-82 RANK	81-82 FILINGS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				80-81 FILINGS PER JUDGE		NO. OF JUDGES	NO. OF TRIAL COMM.
							NO.	RANK		
1	9385	# 22	FAYETTE				9179	(1)	6	0
2	7766	# 30	JEFFERSON				8514	(2)	23	0
3	6844	# 26	HARLAN				8003	(3)	1	2
4	6226	# 8	WARREN				6661	(8)	2	0
5	6192	# 44	BELL				6889	(4)	1	0
6	6025	# 39	BREATHITT	POWELL	WOLFE		6844	(5)	1	2
7	5941	# 33	PERRY				5992	(10)	1	1
8	5871	# 36	KNOTT	MAGOFFIN			5230	(15)	1	2
9	5638	# 27	KNOX	LAUREL			5168	(16)	2	2
10	5586	# 35	PIKE				5670	(12)	2	3
11	5475	# 42	CALLOWAY	MARSHALL			6701	(6)	1	1
12	5470	# 31	FLOYD				6226	(9)	1	2
13	5455	# 25	CLARK	MADISON			5605	(13)	3	0
14	5343	# 55	BULLITT				4750	(23)	1	0
15	5250	# 54	BOONE	GALLATIN			6674	(7)	2	1
16	5171	# 37	CARTER	ELLIOTT	MORGAN		5037	(19)	1	3
17	5170	# 5	CRITTENDEN	UNION	WEBSTER		5782	(11)	1	3
18	5156	# 43	BARREN	METCALFE			5135	(18)	1	2
19	5107	# 14	BOURBON	SCOTT	WOODFORD		4911	(20)	2	2
20	5086	# 19	BRACKEN	FLEMING	MASON		4838	(21)	1	2
21	4806	# 2	MCCRACKEN				5277	(14)	2	0
22	4619	# 47	LETCHER				4341	(29)	1	1
23	4569	# 51	HENDERSON				4798	(22)	2	0
24	4556	# 16	KENTON				4340	(30)	4	0
25	4528	# 45	MCLEAN	MUHLENBERG			5155	(17)	1	1
26	4526	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4544	(27)	2	2
27	4506	# 24	JOHNSON	LAWRENCE	MARTIN		4290	(32)	2	1
28	4489	# 7	LOGAN	TODD			4561	(25)	1	1
29	4377	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4072	(33)	2	3
30	4321	# 20	GREENUP	LEWIS			4526	(28)	1	2
31	4312	# 28	PULASKI	ROCKCASTLE			3708	(38)	2	1
32	4282	# 9	HARDIN				3973	(36)	2	1
33	4199	# 6	DAVIESS				4304	(31)	3	0
34	4188	# 3	CHRISTIAN				4622	(24)	2	0
35	3949	# 4	HOPKINS				4011	(34)	2	0
36	3889	# 41	CLAY	JACKSON	LESLIE		3679	(39)	2	1
37	3784	# 13	GARRARD	JESSAMINE	LINCOLN		3548	(41)	2	1
38	3691	# 48	FRANKLIN				4538	(26)	2	1
39	3670	# 23	ESTILL	LEE	OWSLEY		3293	(47)	1	2
40	3555	# 17	CAMPBELL				3980	(35)	3	0
41	3546	# 46	BRECKINRIDGE	GRAYSON	MEADE		3540	(42)	2	1
42	3510	# 40	CLINTON	RUSSELL	WAYNE		3004	(50)	2	1
43	3455	# 32	BOYD				3795	(37)	2	0
44	3236	# 34	MCCREARY	WHITLEY			3573	(40)	2	1
45	3186	# 10	HART	LARUE	NELSON		3208	(48)	2	1
46	3112	# 52	GRAVES				3396	(43)	1	0
47	3102	# 12	HENRY	OLDHAM	TRIMBLE		3384	(44)	2	1
48	3087	# 15	CARROLL	GRANT	OWEN		2794	(52)	2	1
49	3083	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2906	(51)	2	2
50	3075	# 49	ALLEN	SIMPSON			3382	(45)	1	1
51	2968	# 53	ANDERSON	SHELBY	SPENCER		3127	(49)	2	1
52	2641	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2654	(53)	2	3
53	2615	# 50	BOYLE	MERCER			3357	(46)	2	0
54	2325	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2606	(54)	2	2
55	2323	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2500	(55)	2	2
56	1886	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1883	(56)	2	2

MEDIAN PER JUDGE FILINGS = 4433

STATEWIDE MEAN (AVERAGE) = 5103

Table 8

FISCAL YEAR 1981-1982 RANKED TOTAL DISTRICT COURT

CASE DISPOSITIONS PER JUDGE

81-82 RANK	81-82 DISPOSITIONS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				80-81 DISPOSITIONS PER JUDGE		NO. OF JUDGES	NO. OF TRIAL COMM
							NO.	RANK		
1	9063	# 26	HARLAN				6263	(5)	1	2
2	8748	# 22	FAYETTE				8569	(1)	6	0
3	6790	# 30	JEFFERSON				6773	(2)	23	0
4	6572	# 8	WARREN				6217	(7)	2	0
5	6175	# 39	BREATHITT	POWELL	WOLFE		6425	(4)	1	2
6	5881	# 42	CALLOWAY	MARSHALL			6449	(3)	1	1
7	5854	# 44	BELL				6255	(6)	1	0
8	5752	# 37	CARTER	ELLIOTT	MORGAN		4423	(20)	1	3
9	5650	# 54	BOONE	GALLATIN			5829	(8)	2	1
10	5605	# 31	FLOYD				5692	(9)	1	2
11	5548	# 36	KNOTT	MAGOFFIN			4149	(26)	1	2
12	5487	# 5	CRITTENDEN	UNION	WEBSTER		5065	(11)	1	3
13	5431	# 43	BARREN	METCALFE			4844	(14)	1	2
14	5186	# 14	BOURBON	SCOTT	WOODFORD		4263	(23)	2	2
15	5139	# 25	CLARK	MADISON			5054	(12)	3	0
16	5139	# 27	KNOX	LAUREL			4125	(28)	2	2
17	5127	# 33	PERRY				5430	(10)	1	1
18	5005	# 19	BRACKEN	FLEMING	MASON		4543	(17)	1	2
19	4964	# 55	BULLITT				4538	(18)	1	0
20	4769	# 45	MCLEAN	MUHLENBERG			4671	(15)	1	1
21	4655	# 2	MCCRACKEN				4920	(13)	2	0
22	4502	# 51	HENDERSON				4490	(19)	2	0
23	4493	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4164	(25)	2	2
24	4487	# 7	LOGAN	TODD			4080	(29)	1	1
25	4399	# 24	JOHNSON	LAWRENCE	MARTIN		4003	(31)	2	1
26	4388	# 3	CHRISTIAN				4612	(16)	2	0
27	4270	# 16	KENTON				4023	(30)	4	0
28	4178	# 47	LETCHER				4143	(27)	1	1
29	4177	# 28	PULASKI	ROCKCASTLE			3453	(36)	2	1
30	4154	# 6	DAVIESS				4260	(24)	3	0
31	4125	# 20	GREENUP	LEWIS			4384	(22)	1	2
32	4075	# 11	GREEN	MARION	TAYLOR	WASHINGTON	3824	(34)	2	3
33	4058	# 35	PIKE				4400	(21)	2	3
34	3957	# 9	HARDIN				3705	(35)	2	1
35	3746	# 17	CAMPBELL				3841	(33)	3	0
36	3690	# 41	CLAY	JACKSON	LESLIE		3107	(47)	2	1
37	3536	# 4	HOPKINS				3227	(41)	2	0
38	3498	# 48	FRANKLIN				3850	(32)	2	1
39	3453	# 13	GARRARD	JESSAMINE	LINCOLN		3254	(40)	2	1
40	3453	# 34	MCCREARY	WHITLEY			3222	(43)	2	1
41	3449	# 23	ESTILL	LEE	OWSLEY		2837	(49)	1	2
42	3390	# 32	BOYD				3447	(37)	2	0
43	3389	# 40	CLINTON	RUSSELL	WAYNE		2758	(50)	2	1
44	3310	# 52	GRAVES				3205	(44)	1	0
45	3298	# 46	BRECKINRIDGE	GRAYSON	MEADE		3285	(39)	2	1
46	3255	# 15	CARROLL	GRANT	OWEN		2733	(51)	2	1
47	3174	# 49	ALLEN	SIMPSON			3397	(38)	1	1
48	3171	# 10	HART	LARUE	NELSON		3196	(45)	2	1
49	2999	# 12	HENRY	OLDHAM	TRIMBLE		3223	(42)	2	1
50	2903	# 53	ANDERSON	SHELBY	SPENCER		2876	(48)	2	1
51	2730	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2420	(52)	2	2
52	2714	# 50	BOYLE	MERCER			3176	(46)	2	0
53	2497	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2408	(54)	2	2
54	2449	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2411	(53)	2	3
55	2319	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2369	(55)	2	2
56	1804	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1714	(56)	2	2

MEDIAN PER JUDGE DISPOSITIONS = 4177

STATEWIDE MEAN (AVERAGE) = 4828

S3105-1

KENTUCKY
COURT of JUSTICE

1982-1983
ANNUAL REPORT

COMMONWEALTH OF KENTUCKY
SUPREME COURT

This report is a publication of the Administrative Office of the Courts, Commonwealth of Kentucky, and paid for with state funds. It was compiled and edited by Nancy Lancaster, Administrative Assistant. The art work was produced by Catherine Marie Perry, Judicial Accountant.

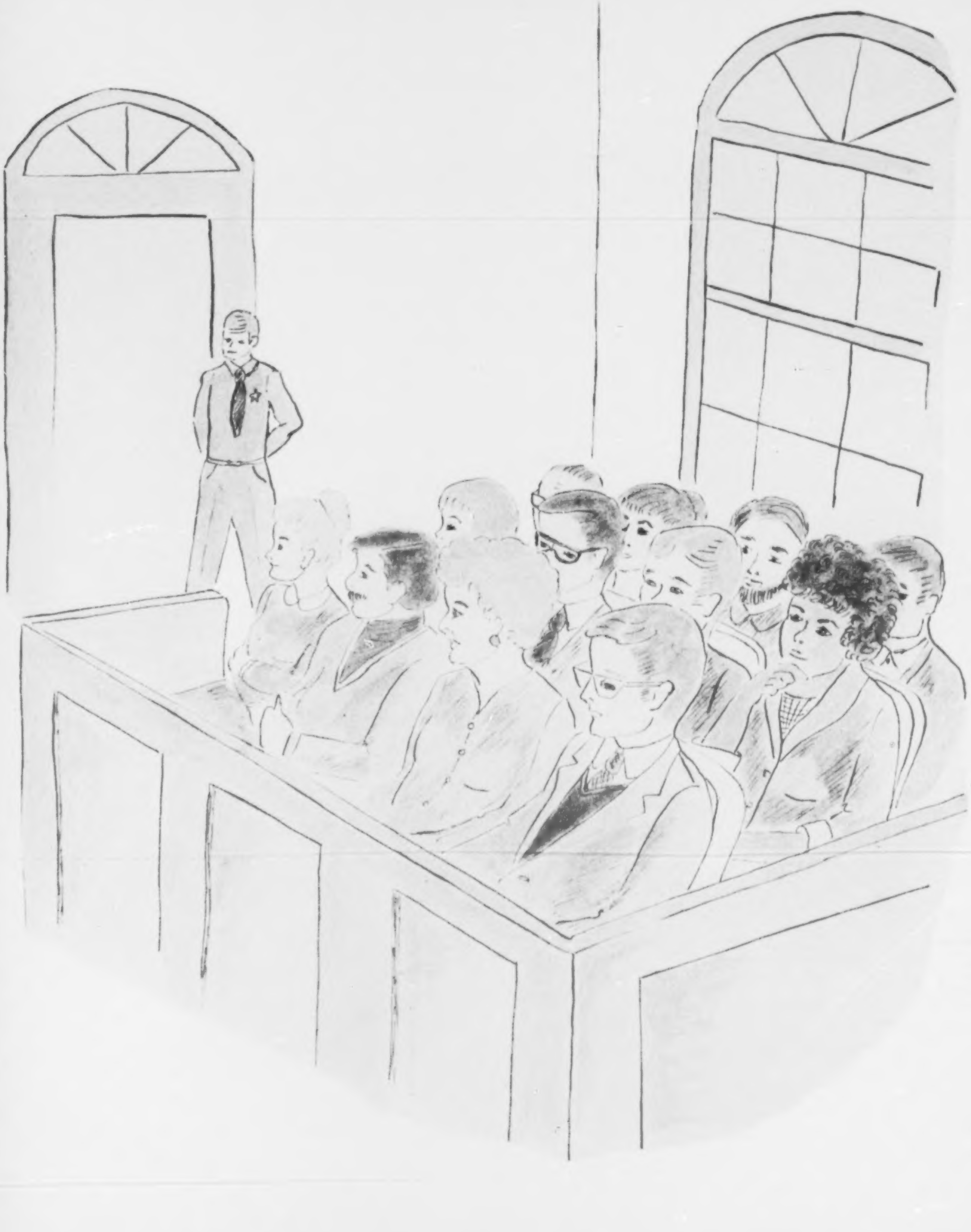
Printed at Mill Creek Facility

This is a report of the business of the Kentucky Court of Justice, for Fiscal Year 1982-83.

In addition to a report of the general business of the courts and relative statistical information, special emphasis has been placed on those programs and projects which have been improved, expanded or otherwise enhanced. Included are sections dealing with regional administration, revision of the Kentucky Rules of Court, cameras in the courtroom, expansion of the courts' data processing capabilities, the circuit court caseload weighting project, and economical litigation projects.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication.

Without their contributions, this report would not have been possible.



IN MEMORIAM

Henry V. Pennington, II
Circuit Judge
50th Judicial Circuit

The victim of a heart attack, Judge Henry V. Pennington died suddenly at his home in Danville on June 2, 1983 at the age of 58. He was a native of London, Kentucky.

Prior to earning his A. B. at Centre College in 1950, and his J. D. at the University of Kentucky in 1954, Judge Pennington served in the Army during World War II. He was awarded the Silver Star Medal for gallantry in action, the Bronze Star Medal, and several other commendations for military leadership. Before being appointed circuit judge for the 50th Judicial Circuit in 1970, Judge Pennington was in the private practice of law and served as municipal judge, city council member and city attorney for the City of Danville.

The judge, involved in many judicial and legal activities, served as president of the Boyle County Bar Association, a fellow of the International Academy of Trial Judges, on the Governor's Judicial Advisory Board, the Task Force for Judicial Reform, and as the chairman of the Kentucky Model Courts Project. He was also the founder of Kentucky's Office of Judicial Planning and of the Midway College Institute for Legal Assistants (Paralegals).

A frequent lecturer at judicial seminars, Judge Pennington was an adjunct professor of law at the University of Kentucky College of Law and on the faculty of the National College of the State Judiciary in Reno, Nevada. He served as president of the Kentucky Circuit Judges' Association and as Chief Regional Judge of the Southeastern Region of Circuit Judges. He was the author of numerous professional publications.

In 1976, Judge Pennington received the Kentucky Bar Association's Outstanding Judge Award for his efforts in the field of judicial reform. He was a member of the American Bar Association, American and Kentucky Trial Lawyers' Association, the American Judges' Association and the American Judicature Society.

Judge Pennington is survived by his wife, Ann, and two sons.

IN MEMORIAM

Thomas Burton
Circuit Judge
30th Judicial Circuit

Judge Thomas Burton died in Louisville on September 1, 1982, following a long illness. He was 60 years old.

Judge Burton received his law degree fron the University of Louisville College of Law in 1951. He engaged in private practice upon graduation, and from 1959-60 served as Assistant Commonwealth's Attorney for Jefferson County. He served as commissioner for the Jefferson Circuit Court prior to his election as District Judge in 1978.

In 1980, Judge Burton was appointed to the circuit bench for the 30th Judicial Circuit, where he served until his death.

The judge is survived by his wife, Joan, and one son.

Charles R. Richardson
Circuit Judge
10th Judicial Circuit

Judge Charles R. Richardson was born in 1909 in Munfordville and passed away on January 19, 1983 after a lingering illness. He is survived by his wife, Mary, and three children.

After receiving his undergraduate degree from Centre College, Judge Richardson attended the Jefferson School of Law and the University of Louisville where he received his law degree.

The judge served as Hart County Attorney for four years and as chief judge of the appellate panel for the former Court of Appeals for seven years. He had been a circuit judge since January, 1970.

In 1975, Judge Richardson received the Distinguished Alumnus Award from the University of Louisville. He was a former president of the Hart County Bar Association.

KENTUCKY'S JUDICIAL SYSTEM

1792-1982

A Historical Perspective

At the general election in November 1975, the electorate of Kentucky gave its consent to a new direction for the court system of the Commonwealth by adopting a constitutional amendment, to revise the judicial article. Under the constitutional amendment the previously fragmented system with its large number of part-time, non-lawyer judges and overlapping jurisdictions was replaced by a unified Court of Justice.

Kentucky's first Constitution was adopted at Danville in April 1792, when Congress granted statehood. The judicial article of the 1792 Constitution was patterned after that of Virginia, in order to provide an orderly transition and transfer of cases pending in Virginia courts. The judicial power of the Commonwealth was vested in one supreme court, known as the Court of Appeals, and such inferior courts as deemed necessary by the legislature. A "competent number" of justices of the peace were mandated to be appointed in each county. All judges were appointed by the Governor and could be removed for reasonable cause by the process of impeachment or by address of the Governor to two-thirds of each House of the General Assembly.

The Court of Appeals consisted of three judges appointed state-at-large to serve "during good behavior." Two judges constituted a court and the court met twice a year at Lexington. The Court of Appeals had original and final jurisdiction in all cases relating to titles of land under the laws governing Virginia at that time, and those cases were tried by jury unless waived by both parties. No appeals from inferior courts were granted unless addressed by petition and issuance of certiorari.

Each judge of the Court of Appeals was instructed by the Constitution to deliver his opinion in open court and in writing; the parties were obliged to state their complaint and defense in writing; and dissenting opinions were required to be in writing. All these provisions were designed to "perpetuate the testimony." The court also had the power to direct the mode of bringing these land cases to a hearing, "so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow."

In all other cases, the Court of Appeals had appellate jurisdiction only, with the legislature granted broad powers to make exceptions and regulations. The court had legislative authority to appoint its clerk.

Pursuant to constitutional provisions empowering the legislature to establish inferior courts, an act was passed during the first session of the General Assembly which provided for appointment of 125 justices of the peace to serve as judicial officers. In the 13 existing counties a Court of Quarter-Sessions was established in each county, and three of the justices of the peace in each county served on the court. Its jurisdiction was primarily civil, but it had the power to award necessary writs and injunctions. County court was created and presided over by three justices, and its jurisdiction was largely administrative in nature. All criminal jurisdiction was vested in a Court of Oyer and Terminer, which was presided over by three judges who had state-wide jurisdiction.

An act of 1795 reorganized the first trial court structure by terminating the original jurisdiction of the Court of Appeals in land cases and abolishing the Court of Oyer and Terminer. It was replaced by a system of District Courts of general civil and criminal jurisdiction, with all criminal cases heard by the Franklin District Court. In order to unify the District Courts to some extent, a General Court was established and instructed to meet periodically at Frankfort to decide cases "for and in behalf of the Commonwealth."

A convention was called in 1799 and a new Constitution was adopted in August of that year. The new document retained most of the provisions of the previous judicial article, but gave constitutional status to the county courts which had been created by the legislature.

In addition, the Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, under restrictions and regulations prescribed by law. Judges of the Court of Appeals were appointed by the Governor, and could be removed for good cause by impeachment or by the Governor on address of two-thirds of each House of the General Assembly. Judges and justices of the peace, by virtue of their office, were "conservators of the peace throughout the state."

County courts were composed of the justices of the peace presiding in each county. County court was given constitutional authority to recommend, with the concurrence of a majority of its justices of the peace, two persons to fill the offices of sheriff, surveyor, coroner or justice of the peace, one of whom was appointed by the Governor. Each court could appoint its own clerk; however, no person could be appointed who could not produce to the judges of the Court of Appeals, that he had been examined by their clerk and found qualified. Clerks of court could be removed for breach of good behavior by the members of the Court of Appeals only who "shall be judges of the fact as well as of the law" and two-thirds of whom shall have concurred in the sentence.

Until 1802, no changes were made in the general trial court structure that had been authorized by the legislature during the tenure of the first constitution. However, realizing that the District Court system could no longer effectively handle the increasing caseload, the General Assembly reorganized the trial courts into a system of Circuit Courts. The District Courts were abolished and the old General Court was abolished and re-enacted. Nine state-at-large circuit judges were appointed to serve in each of the nine judicial districts. General Court assigned each of its members to a district to serve as presiding judge and two assistant judges were appointed from that district.

In 1824, the legislature attempted to abolish the Court of Appeals. A controversy characterized as the "Old Court-New Court Struggle" arose, and the General Assembly enacted legislation to abolish the Court of Appeals and establish an appellate court of its own. "An Act to reorganize the Court of Appeals" was passed and signed by the Governor, who appointed judges sympathetic to his beliefs. The "old court" refused to recognize the "new court," and for a period of two years both courts held sessions. In 1826, a new legislature was elected which repealed the "Act to reorganize the Court of Appeals" and passed "An Act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," thus reinstating the constitutional court.

The third Constitution of Kentucky was adopted in June 1850. A total reorganization of the judicial department was undertaken, and courts which had previously been created by acts of the legislature were given constitutional authority. This document preserved the separation of powers of the three departments of government and provided Kentucky with its first structured court system. The judicial power of the Commonwealth was vested in the Court of Appeals, circuit courts, county courts, and such other inferior courts as the General Assembly should establish and erect.

The Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, restricted and regulated by law. The court consisted of four judges, any three of whom could constitute a court for the transaction of business. The 1850 Constitution mandated, for the first time in the history of the Commonwealth, election of judges rather than appointment. Judges were elected for a term of eight years from four equally divided judicial districts. Because all of the judges were initially elected at the same time, and in order to stagger their terms, one term was two years, one four years, one six years and on eight years. The judges elected then drew lots to determine which judge served which term. The judge having the shortest time to serve was designated as the Chief Justice of Kentucky.

The Court of Appeals was to hold its sessions at the seat of government, except that the General Assembly could direct that the court hold its sessions in any one or more of the judicial districts.

The office of Clerk of the Court of Appeals was established as an elective office, for a term of eight years. The 1850 Constitution further provided that if the General Assembly should determine that court should be held in any one of the judicial districts, that the voters of that district would elect a clerk possessing the same qualifications as the Clerk of the Court of Appeals. Any candidate for the office had to produce a certificate from a judge of the Court of Appeals or a judge of the Circuit Court that he had been examined by the court and was qualified for the office.

The General Assembly could also provide for a special judge to constitute a court in the event of disqualification of any of the elected judges.

Circuit courts were established to be held in each county, with the state initially divided into 12 judicial districts which could be increased to not more than 16 at the discretion of the General Assembly. Jurisdiction of the circuit courts was set by the legislature, who also had the power to change, alter or modify the right of appeal to the Court of Appeals. The General Court was abolished, producing a system of circuit courts which had no centralized coordinating feature, and resulting in trial courts which were virtually autonomous in nature. However, the legislature specified that cases involving the Commonwealth would continue to be heard in Franklin Circuit Court.

In 1882, under its authority to create inferior courts, the General Assembly created an accumulated backlog of 1300 cases. The Superior Court consisted of three judges who had jurisdiction in all appeals except those involving: (1) the validity of statutes; (2) title to a freehold or right to a franchise; (3) felonies; and (4) judgments where the amount in controversy was more than $3,000. The two appellate courts became known as the "Rich Man's Court" and the "Poor Man's Court," and set off a bitter debate that lasted through the Constitutional convention of 1890. Although opponents to the Superior Court won their battle and eventually succeeded in abolishing the intermediate court, its purpose was accomplished. The backlog of cases on appeal was successfully reduced.

The Constitutional Convention of 1890 created the judicial system with which most Kentuckians are familiar. The structure was highly restrictive, as a result of the furious debates over the power of the General Assembly to create courts in addition to those empowered by the Constitution.

The judicial article provided for a Court of Appeals consisting of seven judges to be elected for a term of eight years, one from each of seven appellate districts. Ironically, opponents to an intermediate appellate court argued that it was not necessary to have three additional judges at that level to decide appeals, yet the number of Court of Appeals judges was increased from four to seven. The court had jurisdiction to review final orders and judgments of all courts except those: (1) granting a divorce or punishing a contempt; (2) of a Quarterly, Police, Fiscal or Justice's Court; (3) of a County Court unless the action was for division of land and allotment of dower; and (4) involving bonds having the force of judgments. Although a monetary limitation of $100 precluded appeals following the adoption of the 1891 Constitution, this limit was raised over the years. By 1975, when the new judicial article was ratified, the minimum monetary limit on appealable cases was $200, but only upon petition. Appeals as a matter of right were allowed where the amount in controversy was $2,500 or more.

The Constitution established circuit court in each county, with the state divided into circuit court districts. The number of districts increased during the succeeding years from 30 to 56, and the terms of judges were regulated by statute. The circuit courts had original jurisdiction of all cases not vested exclusively in some other court, and appellate jurisdiction to try de novo appeals from the inferior courts.

In each county group of lower courts was created consisting of from three to eight Justice of the Peace Courts, a County Court, a Fiscal Court, a Quarterly Court, and city Police Courts, all given overlapping or concurrent jurisdiction, both civil and criminal, by the General Assembly.

The framers of the 1891 Constitution created a judicial system which had no flexibility and which contained a prohibition against the creation of any court not established by the Constitution.

Although Kentucky's judicial system has undergone four modifications through the Constitutional Convention process which revised the entire document, the most dramatic change in state and local government ever experienced in the Commonwealth has resulted from one constitutional amendment—the judicial amendment of 1975.

The Judicial Article now contained in the Kentucky Constitution provides for a unified court system fully funded by the state. Although judges and clerks remain locally elected, they are state officials and the courts are unified for purposes of administration under one Court of Justice. The Judicial Article not only provides for four levels of courts, the Supreme Court,the Court of Appeals, the Circuit Courts, and the District Courts, but includes provisions for Judicial Nominating Commissions to fill vacancies, and for a Judicial Retirement and Removal Commission to insure the proper conduct of the judiciary.

This historical review of Kentucky's court system was initially presented in the first Annual Report of the new judicial system in 1976. Its repetition here is in response to the many inquiries received by the Administrative Office of the Courts. It does not describe the atmosphere which brought about the change, but should serve as an example of progressive modification of government. As we move closer to the end of this century, Kentuckians can point with pride to their unified Court of Justice and know that Kentucky has led the way for other states to follow in judicial improvement.

THE KENTUCKY COURT OF JUSTICE

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.

The Supreme Court

(Front row): Justice J. Calvin Aker; Chief Justice Robert F. Stephens; and Justice James B. Stephenson. (Back row): Justice William M. Gant; Justice Roy N. Vance; Justice Donald C. Wintersheimer; and Justice Charles M. Leibson.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute. Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more are taken directly to the Supreme Court, but other causes of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and discipline of members of the bar.

Robert F. Stephens
Chief Justice
Fifth Supreme Court District

Chief Justice Stephens is a native of Covington, Kentucky, born in 1927. After serving in the United States Navy during World War II, he graduated from Indiana University, and received his law degree from the University of Kentucky College of Law in 1951. He served as a law clerk for the former Kentucky Court of Appeals for one year. In 1952, he was an attorney for the Kentucky Department of Insurance for one year before entering the private practice of law in Lexington. He was Assistant Fayette County Attorney for five years.

Justice Stephens was elected Fayette County Judge in 1969 and re-elected in 1973. During those terms of office, he was instrumental in the organization of the Kentucky Association of County Officials, holding office at both state and national levels. In 1975, he was elected Attorney General for the Commonwealth of Kentucky, an office he held until his appointment to the Supreme Court in 1979. In 1982, he was elected Chief Justice by his Supreme Court associates.

Roy N. Vance
Justice
First Supreme Court District

Born in Paducah, Kentucky in 1921, Justice Vance received an associate degree from Paducah Junior College and his LL. B. from the University of Kentucky College of Law where he was a member of the Order of the Coif. He began practicing law in 1942, served one term as McCracken County Attorney and was Commonwealth's Attorney from 1953-1957. He was a trial commisioner for the McCracken County Court for ten years from 1960-1970.

Prior to his 1976 election to the Court of Appeals, Justice Vance served six years as a commissioner for the former Kentucky Court of Appeals. In 1982, he was elected to the Supreme Court, taking office on January 3, 1983.

William M. Gant
Justice
Second Supreme Court District

Justice Gant was born in 1919 in Owensboro, Kentucky. He received an A. B. degree from Transylvania University in 1940 and his LL. B. in 1947 from the University of Kentucky. He served as a juvenile judge for eight years and Commonwealth's Attorney for 14 and one-half years for the 6th Judicial Circuit.

For several years, Justice Gant was a member of the Kentucky Crime Commission, during which time he was a member of the committee which drafted the judicial amendment which restructured the state court system. He served as judge of the Court of Appeals for six years until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Gant has been the recipient of the Kentucky Alumni Association's Distinguished Service Award; Kentucky Council on Crime and Delinquency Distinguished Service Award; and the R. Haynes Barr Award by the Kentucky Medical Association to the outstanding layman in the field of public health.

J. Calvin Aker
Justice
Third Supreme Court District

Justice Aker, born in 1939, is from Somerset, Kentucky. He attended Eastern Kentucky University where he received a B. S. degree in chemistry and an M. S. in political science. He received his J. D. from the University of Tennessee College of Law in 1969. He taught chemistry, physics and general science at Nicholas County High School before entering the private practice of law, in which he was engaged from 1970 until 1977.

Justice Aker was elected district judge in 1978, and served as such one year prior to his election to the Supreme Court in 1979.

Charles M. Leibson
Justice
Fourth Supreme Court District

Born in 1929, Justice Leibson graduated cum laude from the University of Louisville School of Law in 1952. He practiced privately for 21 years after serving in the U.S. Army as a legal officer for two years. He served as Jefferson Circuit Judge from 1976 until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Leibson is a member of the University of Louisville School of Law faculty, the International Academy of Trial Lawyers, the Inner Circle of Advocates, the Association of Trial Lawyers of America, and the Kentucky Association of Trial Attorneys. He also served as a faculty member with the Harvard Law School National College of Advocacy, and the National Judicial College, Reno, Nevada. He received the 1980 Judge of the Year Award from the Louisville Bar Association and was chosen the nation's outstanding trial lawyer in 1980 by the Association of Trial Lawyers of America.

Donald C. Wintersheimer
Justice
Sixth Supreme Court District

Justice Wintersheimer was born in Covington, Kentucky in 1932. He received his A. B. from Thomas More College in 1953, his M. A. from Xavier University in 1957, and his J. D. from the University of Cincinnati in 1960. He was admitted to the bar in Kentucky and Ohio, and practiced law until he was elected to the Court of Appeals in 1976. He served on the Court of Appeals until his election to the Supreme Court in 1982 for an eight year term beginning January 3, 1983.

Justice Wintersheimer is a former president of the Thomas More Alumni Association and the Kentucky Municipal Attorneys' Association. He received the Community Service Award from Thomas More College in 1970 and was named Outstanding Teacher in 1973. He is a member of the adjunct faculty at Chase College of Law.

James B. Stephenson
Justice
Seventh Supreme Court District

Justice Stephenson was born in Greenup, Kentucky in 1916. He received his A. B. in 1938 and his LL. B. degree in 1941 from the University of Kentucky. The justice was a Captain in the United States Air Force during World War II, and during his four years service received seven Battle Stars and was the recipient of a Presidential Unit Citation. Justice Stephenson was engaged in the private practice of law in Pikeville for 17 years until he was elected Circuit Judge of the 35th Judicial Circuit in 1957. He served in that capacity until he was elected to the former Court of Appeals in 1972. Justice Stephenson was re-elected in 1980 to an eight-year term on the Supreme Court.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a cause. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law and circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Thomas B. Spain
President
Kentucky Circuit Judges' Association

Judge William L. Schmaedecke
President
Kentucky District Judges' Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 56 judicial districts coterminous with the judicial circuits. In any judicial district having only one judge, he is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the Constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate and mental health. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the Constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John C. Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Edward J. Blau
President
Kentucky Circuit Clerks' Association

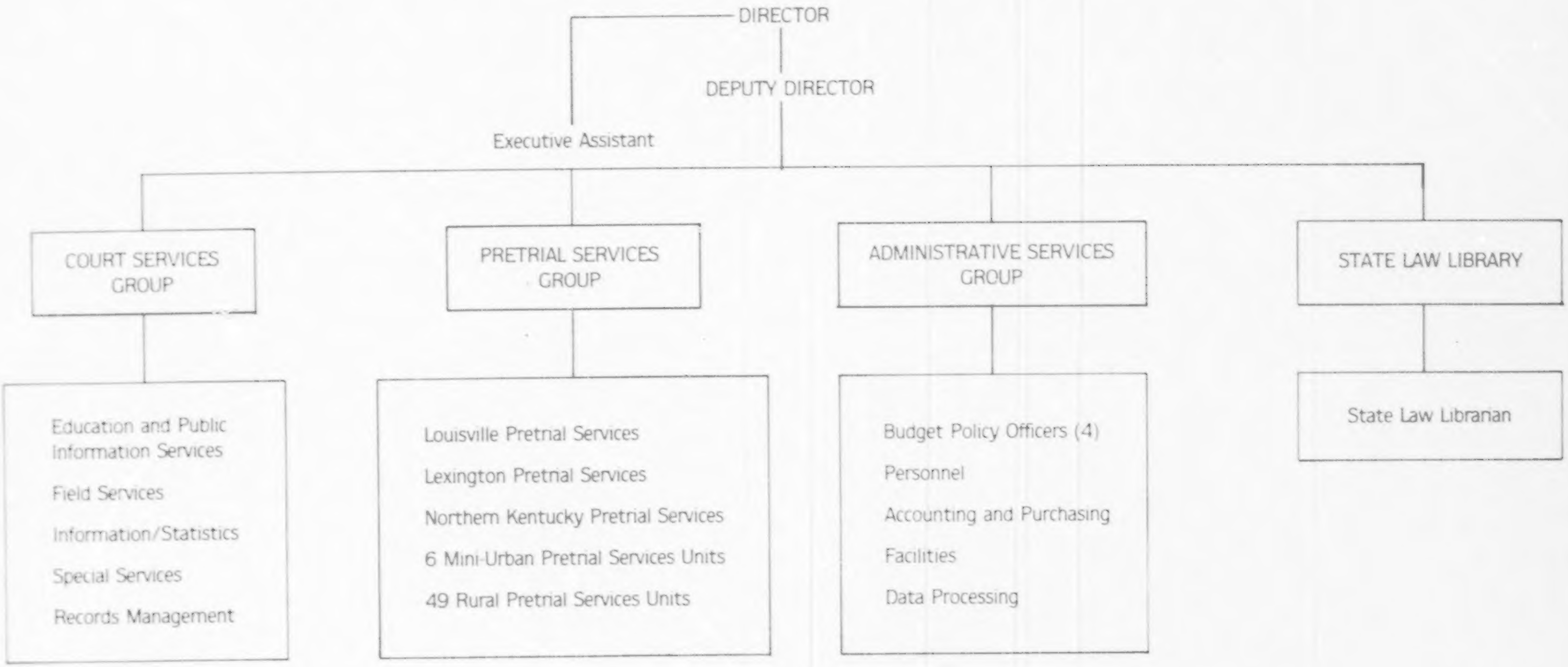
Circuit Court Clerks

Section 114(3) of the Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the Kentucky Circuit Clerk's Manual, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

FUNCTIONAL ORGANIZATION

ADMINISTRATIVE OFFICE OF THE COURTS


DIRECTOR
DEPUTY DIRECTOR
Executive Assistant
COURT SERVICES GROUP
Education and Public Information Services
Field Services
Information/Statistics
Special Services
Records Management
PRETRIAL SERVICES GROUP
Louisville Pretrial Services
Lexington Pretrial Services
Northern Kentucky Pretrial Services
6 Mini-Urban Pretrial Services Units
49 Rural Pretrial Services Units
ADMINISTRATIVE SERVICES GROUP
Budget Policy Officers (4)
Personnel
Accounting and Purchasing
Facilities
Data Processing
STATE LAW LIBRARY
State Law Librarian

ADMINISTERING THE COURTS

The Administrative Office of the Courts

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Don. P. Cetrulo, Director.

The Administrative Office of the Courts
is located in the Bush Building,
Frankfort, Kentucky

Pursuant to Section 110(5)(b) of the Constitution the following duties are assigned to the Administrativ Office of the Courts under the supervision of its administrative director

(1) To act as fiscal agent of the Court of Justice, including:

(a) preparation of budget estimates and a budget draft for each biennium;

(b) administration of the budget including the allotment and allocation of all funds;

(c) preaudit and approval of all expenditures;

(d) maintenance of authorized imprest cash funds;

(e) purchase of equipment, supplies and services;

(f) storage and disbursement of equipment and supplies;

(g) repair and maintenance of equipment;

(2) To maintain under its direct control data processing equipment and facilities and other information gathering systems for the purpose of:

(a) publishing statistical and status reports on the operation of the courts;

(b) evaluating special projects conducted under the auspices of the court;

(c) operating case management, and other data processing systems.

(3) To administer the local court facilities program;

(4) To administer the personnel policies of the Court of Justice and process all personnel actions and payrolls for the Court of Justice;

(5) To prepare, publish and print forms and manuals for the court and print stationery and other materials;

(6) To provide support for the regional administration of trial courts, boards and commissions;

(7) To provide educational programs for judges, clerks and support personnel;

(8) To regulate accounting and records practices and procedures;

(9) To supervise the state law library;

(10) To administer the pretrial services program;

(11) To perform such other functions as may be directed.

Administrative Services

Fiscal matters are handled by the Division of Administrative Services which is responsible for payroll processing, federal grants management, purchasing, accounting, court facilities, and logistical support in the areas of furniture, equipment, forms and supplies for the Court of Justice.

The Accounting/Purchasing section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the Court of Justice throughout the state. The processing of requisitions for office supplies and forms has been computerized. Continuing efforts are being made to streamline the system in order to achieve a same-day turnaround on the processing time.

The Personnel Section provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,100 judicial and non-judicial personnel. Included in the 120 county system are justices and judges, trial commissioners, circuit clerks, deputy clerks, appellate clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees is distributed to all employees.

PERSONNEL DATA
FY 1982-83

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1,084
AOC	76
Pretrial Services	178
Other Non-Judicial (Court Reporters; Secretaries; Equipment Repair and Forms Printing; Law Clerks; Staff Attorneys; Court Administrators; Jefferson County Data Processing; and Fayette County Data Processing)	488
TOTAL FULL-TIME EMPLOYEES	2,181

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. A newly established automated personnel system has been extremely beneficial in meeting the responsibilities assigned to the Personnel Section.

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. Its responsibilities have been expanded since that time to include management of an operations center.

Legislation was enacted by the Kentucky General Assembly in 1976 and amended in 1978 and 1982 to provide for reimbursement to units of local government for the use of court facilities, and is based on a formula for compensation which utilizes a "use allowance" and an "operational expense allowance."

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices, and payments are funded by a special appropriation from the General Assembly.

Included at the operations center, which occupies 21,600 square feet of space, are (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide, service and maintain mechanical and electronic equipment in use throughout the state, including court recording equipment.

Field Services

A group of AOC employees work regularly with the circuit court clerks and judges in Kentucky's 120 counties. Field Services representatives are responsible for providing administrative and fiscal assistance to circuit court clerks and judges. Their primary objectives are:

(1) Make periodic visits to clerk's offices and on occasion adopt a "team approach" by utilizing two or more field representatives.

(2) Provide on-site assistance on specific problems requested by judges and circuit clerks.

(3) Provid daily telephone assistance to all courts and circuit clerks.

(4) Provide records management support to circuit court clerks within the guidelines of a court ordered Records and Retention Schedule. The agency archivist catalogs and transfers permanent court records that are classified as inactive to the state records and archives center.

(5) Review Court of Justice forms and revise as necessary.

(6) Continually update the Circuit Clerks Manual and Uniform Accounting Manual to insure that they accurately reflect the duties and procedures of their office.

(7) Assist in the preparation of appropriate educational programs for court related conferences.

(8) Provide temporary staffing for offices that experience unscheduled absences of staff due to illness or other necessary absences.

(9) Provide technical fiscal management assistance to circuit court clerks.

(10) Monitor internal control procedures to insure proper disposition of state funds in the custody of the circuit court clerks.

The circuit court clerks collected $36,095,432 in General Fund receipts for Fiscal Year 1982-83 and $6,706,278 in other agencies receipts for a total of $42,873,941 in state revenues for Fiscal Year 1982-83. The circuit court clerks also act as escrow agent for approximately $19,000,000, in Special Escrow and Cash Bonds. These funds yielded $887,102 in interest income that accrued to the state General Fund in Fiscal Year 1982-83.

The 1982 General Assembly enacted nine House Bills and two Senate Bills that added significantly to the duties of Kentucky's circuit court clerks. Seven of the 11 pieces of legislation require the circuit clerk to collect and account for various fees, and in most cases deposit and/or distribute those monies. Two of the measures, relating to involuntary civil commitments and mental health, increased the paper work and scheduling responsibilities of the circuit clerk on a large scale.

State Law Library

The State Law Library is a professional research library. It has a small staff and is funded by the General Assembly only as a support service for the Court of Justice. It is not a public library in the usual sense of a library that renders library services to the public, so for these reasons the State Law Library cannot provide reference service to persons who are not members of or employed by the Court of Justice.

The State Law Library is the central collection of legal literature for the state government. It is available to public officials and their staff, state employees, attorneys, and citizens.

In order to furnish the bench, bar, and others with timely information concerning current legal literature, the State Law Library prepares regular bibliographic features for **Accent on Courts** and **Kentucky Bench & Bar**, which consist of brief summaries of selected articles appearing in legal periodicals, succinct descriptions of newly published books acquired by the State Law Library, information concerning various law books which are useful in Kentucky, and columns concerning the state court facets of recent federal cases, abstracts of memoranda written by the staff attorneys, and summaries of Kentucky reports of cases for **Accent on Courts.**

The readers' services activities of the state law library during the 12 months, July 1, 1982-June 30, 1983, were as follows:

Number of Readers	5,970
Items Circulated	3,112
Reference Inquiries	2,256
Copies Made for Patrons	7,448

In addition to providing readers' services, the State Law Library keeps the libraries of the judges of the Court of Justice updated and procures additions if funding is available. The State Law Library works with the county law libraries by rendering assistance upon request to any of the publicly funded law libraries. However, state funds are not used for these purposes.

Two staff attorneys attached to the State Law Library provide quality research to justices and judges who have exhausted conventional research methods, by utilizing the capabilities of the Lexis computer, and by researching printed materials to which the judges do not have access. A summary of staff attorney activities for fiscal year 1982-83 follows.

Number of inquires received by staff attorneys	219
Number of inquiries from previous users	195
Number of written responses drafted by staff attorneys	123
Number of unwritten responses by staff attorney	87
Number of pages of copied law library material furnished by staff attorney	5,296

THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the budget units. The budget staff prepares the annual operating budget for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff had the continuing responsibility of monitoring the program budgets during the fiscal year and the preparation of a monthly analysis on the status of each budget unit.

In addition, the budget staff was involved in a continuing procedural analysis of the administrative system, seeking to simplify and expedite the administration and to identify means of reducing costs. Major projects included: (1) a procedural study of the paper flow of the payroll system for the Court of Justice; (2) an administrative self-survey to review and/or revise procedures and policies throughout the AOC; (3) the development of an automated facilities information system to provide information broken down by type of expenditure and to provide a more accurate basis for projecting budget increases and trends; (4) a revision of the Court of Justice biennial budget request format to include the utilization of electronic data processing in the preparation of the budget request; (5) continuation of the review and analysis of telephone and photocopy requirements to provide the most effective services at the least cost; (6) staff assistance in the review of court space utilization; (7) review of personal property insurance practices; and (8) the computerization and writing of payrolls in AOC.

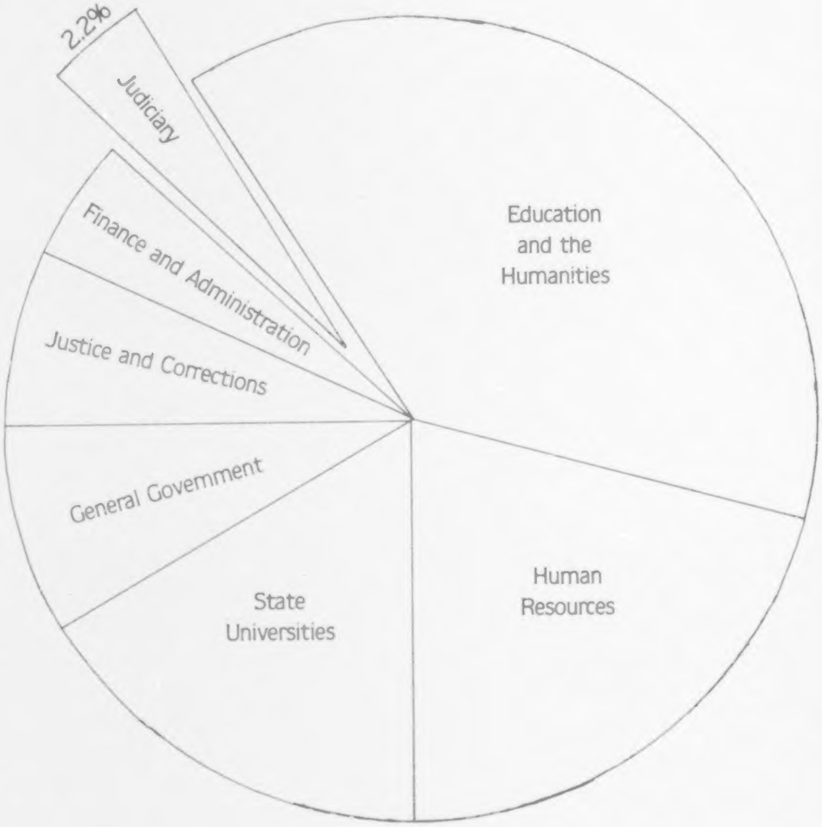
The budget staff, working directly with the AOC director, prepared the Court of Justice 1984-86 biennial budget request for submission to the legislative branch. In April, 1983, the process for the preparation of the 1984-86 biennial budget request began with the development of a program memorandum, which serves as a planning guide for legislative and budgetary issues relating to the judiciary during the upcoming biennium. It was completed and submitted to the legislative and executive branches in July, 1983. Upon completion and submission of the program memorandum, the budget staff began preparation of the detailed cost estimates for the operation of the court system during the 1984-86 biennium. The estimates include both the costs of continuation of existing services and new or expanded programs during the two fiscal years for which the legislature must appropriate funds. With a fluctuating economy evident in Kentucky, preparation of such estimates is further complicated by the constitutional mandate that the General Assembly can meet only 60 days every two years. The judicial budget request will be submitted to the Appropriations and Revenue Committee of the legislature in the fall of 1983. The Chief Justice will make a formal budget recommendation to a joint session of the General Assembly in January 1984.

The budget staff will be prepared to provide assistance to the Chief Justice and the Director of AOC for legislative budget hearings and to review bills for fiscal impact on the judiciary.

1. Financing The Courts

In accordance with the Constitution of Kentucky, the Supreme Court, through the AOC, prepares annual budget estimates of state appropriations necessary for the operation of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury. The 1982 General Assembly appropriated $110.5 million in general fund support of the court system during the 1982-84 biennium. The General Fund support of the courts represents 2.2% of the total state general funds appropriated in the 1982-84 biennium.

An overview of the budget for fiscal 1982-83 are reported in the material that follows.



Budget for Fiscal Year 1982-83

The General Fund budget for the support of the court system during fiscal 1982-83 is $53,258,300. This represents an 8.4% increase over the appropriation in fiscal 1981-82. In fiscal 1982-83 the General Fund appropriation to the court system represents 2.2% of the total state General Fund appropriation. A total of $46,617,900 was appropriated for Court Operation and Administration, including personnel costs, operating expenses and capital outlay. The personnel costs represents 89.2% of the total budget for Court Operation and Administration. The remaining $6,640,400 was appropriated to the Local Facilities Fund for rental payments to local governments for courthouse facilities. The 1982 General Assembly provided funding for continuation at the current level of service. In addition to the annual 5% salary increments, funds were provided to allow a salary adjustment to non-elected employees as determined by the Chief Justice. Funding is provided for a salary upgrade and annual 5% adjustment for circuit clerks and a 5% salary adjustment for judges. In compliance with statutory provisions linking salary adjustments for circuit clerks and judges to the Consumer Price Index, those elected officials received a 3.9% increase effective July 1, 1983. Additional funds were provided for operating expenses and capital outlay to help offset the impact of inflation. The budget for fiscal 1982-83 is presented by program unit in Chart A.

CHART A

COURT OF JUSTICE BUDGET YEAR 1982-83

	General Fund	Federal Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,477,780	$	$ 1,477,780	2.77
Court of Appeals & Clerk	2,305,830		2,305,830	4.33
Circuit Court	8,446,010		8,446,010	15.86
District Court	7,323,200		7,323,200	13.75
Circuit Clerks	21,196,850		21,196,850	39.80
AOC	2,250,680		2,250,680	4.22
Bds. & Comms.	35,300		35,300	0.07
Law Library	447,080		447,080	0.84
Pretrial Services	2,871,970		2,871,970	5.40
Federally Funded Projects	0	187,700	187,700	N/A
Capital Outlay	263,200		263,200	0.49
TOTALS	$46,617,900	$187,700	$ 46,805,600	
Local Facilities Fund	6,640,400		6,640,400	12.47
TOTALS	$53,258,300	$187,700	$ 53,446,000	100.00*

2. Collection of State Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978. All of these funds collected by the courts are deposited into the State Treasury. A total of $42,873,941 was collected during fiscal 1982-83 in the circuit clerks' office, a breakdown of which is presented in Chart B.

CHART B

COLLECTIONS OF STATE REVENUES
CIRCUIT CLERK'S OFFICES
FISCAL 1982-83

	General Fund	Other Agencies	Total	% of Total
Criminal/Traffic Fines & Costs	$ 24,617,463	$	$ 24,617,463	57.42
Drivers License	1,882,049	4,692,908	6,574,957	15.33
Civil Filing Fees	5,740,752		5,740,752	13.39
Boat Registration	1,469,969		1,469,969	3.43
Interest Income	887,102		887,102	2.07
Forfeitures	401,284		401,284	.94
Charges for Service	599,387		599,387	1.40
10% Bond: 10% Fee	327,142		327,142	.76
Bond Filing Fees	202,232		202,232	.47
Fish % Game Violations	49,838	74,757	124,595	.29
Public Defender		68,107	68,107	.16
Crime Victims		267,867	267,867	.62
State Jail Fund		1,602,639	1,602,639	3.74
Over (Short)	(9,555)		(9,555)	(.02)
TOTALS	$ 36,167,663	$ 6,706,278	$ 42,873,941	100%

PRETRIAL SERVICES

June 1983 marks the seventh anniversary of the Kentucky Pretrial Services Agency, a statewide system of pretrial release and investigation services statutorily mandated by the Kentucky General Assembly in 1976 as part of a reform in the administration of justice for the Commonwealth. Statewide pretrial services were initiated in conjunction with the abolition of commercial bail bonding in the state under Kentucky Revised Statutes (KRS) 531.510-550.

In accordance with the statutes and Supreme Court Rules of Criminal Procedure relating to bail (RCr 4.00-4.58), Pretrial Services provides objective information to the trial courts based on community ties, family associations, and job security. Having been provided this information, the appropriate judicial officer can make an informed decision concerning methods of pretrial release. Furthermore, it is the intent of the law that persons charged with bailable offenses should not be levied any undue financial hardships, yet give assurance that necessary court appearances will be met.

Structure and Duties

The Division of Pretrial Services is responsible for 57 pretrial field offices providing service to 120 counties in the Commonwealth. The statewide program is decentralized in order that each local pretrial officer can administer to the needs of his respective court. Although the duties of providing objective information to the courts through interviews and verification are specifically outlined in the statues and by court rule, officers perform sundry other duties. These duties include: filling out affidavits of poverty for indigent defendants; supervising defendants not released under agency criteria; providing jail censuses to the court; monitoring court appearances of program release; maintaining a comprehensive criminal record system; referring defendants to various social agencies; and serving as liaison with other court and criminal justice personnel in the community.

The process of gathering, verifing and presenting information on defendants for pretrial decision making was enhanced during FY 1982-83 through a program utilizing 14 cooperative education students. Under the extended program, rural pretrial officers have been provided sufficient time off to allow for an escalation in night-time coverage. More than 15,000 additional interviews were completed than in the previous year, resulting in 10,000 additional releases through the program.

Significant progress has been made in the area of statistical gathering with the introduction of new logging and reporting procedures. Computerization and uniform data gathering should insure the speed and accuracy with which the agency can respond to internal and external requests for information.

Alternatives to Formal Adjudication

Not only does Pretrial Services have the responsibility for pretrial release services, but it also directs the dispute mediation and diversion programs. Both of these alternatives are currently funded by the 1982 General Assembly.

Mediation

Dispute mediation programs operate in five locations: Jefferson County (Louisville); Fayette County (Lexington); and a three-county area of northern Kentucky-Kenton County (Covington), Campbell County (Newport), and Boone County (Burlington). These programs have given citizens an opportunity to work out their problems without the stigma or costs of court. The expansion of mediation services to other cost-effective areas has been the focus of these program efforts which have resulted in more personalized service to citizens and costs savings for the court system. Complete statistics are included in Table 1.

Diversion

Misdemeanant diversion programs function in the three northern Kentucky counties of Kenton, Campbell and Boone. These programs provide an alternative to convictions of first-offense defendants who would have suffered the stigma of being a criminal. In addition to offering alternatives to the defendants, the diversion programs have benefited the community. In all three counties, divertees provide community service work, i.e., helping underprivileged children, cleaning up parks, working in neighborhood centers, etc., as part of their responsibility to the program.

The greater use of college interns and co-op students has permitted these programs to maintain a high level of service with reduced staffing. The closing of many of Kentucky's jails and the resulting shortage of inmate space in those jails remaining open mandate the continued exploration for responsible ways to expand these alternatives.

Juvenile Programs

Pretrial Services accepted responsibility for initial implementation of legislation and programming relating to juvenile services.

The 1982 Kentucky General Assembly appropriated $363,100 for preparation and implementation of the court designated worker portion of the Kentucky Unified Juvenile Code. Towards that end, the code was studied, research was conducted into various juvenile court intake programs, and plans were made for implementation. Visits were conducted with Kentucky juvenile court programs which were funded by federal grants due to expire in June 1983, and the court designated worker program was explained. Contacts were maintained with those programs which chose to take steps toward implementation of the program. The employees of nine programs were funded, effective July 1, 1983, to establish court designated worker pilot projects pursuant to the new code.

The 1982 General Assembly also enacted legislation which permits the establishment of foster care citizen review boards. These boards, composed of five citizens each, are appointed by Chief Regional District Judges to review the case files of foster children who are committed to the Cabinet for Human Resources. The goal of these boards is to insure that plans for permanent homes for foster children are made and carried out. Members were appointed to eleven review boards during the spring of 1983. The Administrative Office of the Courts continued to provide support services by organizing and sponsoring the first state foster care citizen review board meeting, held in June 1983, at which time materials drafted for use in training local boards were approved.

TABLE 1

PRETRIAL SERVICES
Diversion and Mediation Programs

Annual Statistical Report

July 1, 1982-June 30, 1983
Statewide

A. Diversion Component		
1. Number of pretrial interviews.		9,656
2. Number of diversion reports prepared.		2,434
3. Number of defendants diverted.		1,473
4. Number of diversion contracts completed.		1,346
a. Number unsuccessful/referred to court.	209	
b. Number successful/prosecution dropped.	1,137	
5. Current caseload.		429
B. Mediation Component		
1. Number of actions received.		34,334
a. Those referred for warrants or summons.	12,607	
b. Those referred for hearings.	9,925	
c. Other action.	11,802	
2. Number of hearings scheduled.		12,224
a. Those cancelled or withdrawn.	5,172	
b. Those rescheduled for a later date.	541	
c. Those actually held.	5,994	
1. Those in which settlement reached.	5,006	
3. Number of call backs made.		3,797
a. Those which reported unsuccessful.	375	
b. Those which reported successful.	2,776	
c. No report received.	646	

TABLE 2

PRETRIAL SERVICES
Annual Statistical Report

July 1, 1982-June 30, 1983

I.	**Number of defendants arrested and placed in custody eligible for pretrial interview:**	186,186
A.	Number of defendants refusing pretrial interview	11,977
B.	Number of defendants interviewed	131,564
C.	Number of defendants eligible for program release	89,075
D.	Number of eligible defendants presented to the judiciary	87,437
E.	Number of scheduled court appearances for program releases	111,748
F.	Number of program releases revoked	830
G.	Number of program releases which were rearrested pending trial	2,572
H.	Number of indigency affidavits collected by the agency	12,387
I.	Number of 24-hour reviews processed	28,061
1.	Number of bonds reduced	9,530
2.	Number of bonds additional releases	7,557
II.	**Type of release for all defendants:**	
A.	Number of defendants released on program ROR	45,373
B.	Number of defendants released on program USB	11,506
C.	Number of defendants released on program NFC	7,004
D.	Number of defendants released on judicial ROR, USB or NFC	19,536
E.	Number of defendants released on 10% bonds	22,804
F.	Number of defendants released on Full Cash Bond, Property Bond, or Guaranteed Arrest Bond Certificate	30,054
G.	Number of defendants released on Performance Bonds	732
H.	Number of defendants not released prior to disposition of their case	49,177
TOTAL SECTION II (should equal number of defendants arrested and placed in custody eligible for pretrial interview).		186,186

AGENCY STATISTICS

Pretrial Release

Standardized summary statistical information has been reported by pretrial officers which reflects the activity of pretrial services statewide during the fiscal year ending June 30, 1983. The information in Table 2 has been compiled from the individual program statistical reports submitted to the central office in a monthly basis.

Crime and Custodial Arrests

During the year ending June 30, 1983, it is reported that 186,186 individuals were arrested and placed in custody prior to trial across Kentucky. This figure contrasts with 195,885 reported in FY 1981-82, 218,238 in FY 1980-81, 209,373 in FY 1978-79, 197,518, in FY 1977-78, and 194,785 custodial arrests reported for FY 1976-77. Information regarding total arrests was obtained by pretrial services officers from law enforcement agencies and jail facilities.

Intervention

RCr 4.20 requires that an arrested person have bail set or be taken before a judge for the consideration of pretrial release within 12 hours after arrest. Pursuant to this rule, the Kentucky Supreme Court has promulgated a Uniform Schedule of Bail for traffic violations and misdemeanors which automatically fixes bail at the time of arrest. Reports indicate that 131,564 custodially arrested persons (70.6%) were contacted and interviewed by pretrial officers, an increase of 11% in the interview rate over FY 1981-82.

The number of defendants interviewed by pretrial services officers has grown in each year of operation. Table 3 summarizes pretrial interview activity since July 1, 1976.

TABLE 3

Interview Activity

Fiscal Year	Persons Arrested	Interviewed
1976-77	194,785	60,462
1977-78	197,518	79,344
1978-79	209,373	104,730
1979-80	218,238	105,646
1980-81	207,097	109,024
1981-82	195,885	115,221
1982-83	186,186	131,564

Source: Pretrial Services Monthly Reports.

Methods of Pretrial Release

The monthly pretrial services statistical report provides information regarding the method of release prior to trial of every person reported arrested and incarcerated in Kentucky. It is significant to note that the majority of persons released prior to trial are released without having to exercise a monetarily secured bail bond.

A. Program Releases

Pretrial Services interviewed 131,564 individuals during the year ending June 30, 1983, and 89,075 (68%) were eligible for program recognizance release. Eligibility for program release is based solely on verified information derived from the interview and applied to an objective point scale stressing family, community and economic ties, and any previous record of criminal activity. Pretrial Services serves as a neutral information gathering arm of the court; advocacy recommendations are not presented to the trial judge.

The following is a breakdown of judicial actions taken on the 89,075 persons found eligible:

Number resolved prior to presentation:	1,638
Number presented to the judiciary	87,437
Number released through Pretrial Services:	63,883
1. Released on recognizance:	45,373
2. Released on unsecured bond:	11,506
3. Released on additional conditions:	7,004

B. Non-Program Releases

Individual defendants who do not secure or qualify for program release (8 or more positive points on the approved point scale) may still secure their release from custody prior to trial. For those arrested but not interviewed by Pretrial Services, found ineligible, resolved prior to presentation or rejected for program release, the following means of release were selected by the trial bench:

Number placed on judicial recognizance:	19,536
Number released on 10% deposit bonds:	22,804
Number released on other bail bonds:	30,786

It is reported that 49,177 incarcerated persons were not released prior to trial in Kentucky during the year ending June 30, 1983.

Appearances and Non-Appearances

The program provides an additional, vital service to the trial bench, assuring, as nearly as possible, that those people released through pretrial services prior to trial appear at the places and times required by the court. Non-appearances create court confusion, trial delay and may signal continuing criminal activity on the defendant's part. A defendant is considered as having failed to appear if he is absent from the correct courtroom during the session for which the court has scheduled his presence.

During the year ending June 30, 1983, 2,611 persons released through Pretrial Services failed to appear when scheduled.

TABLE 4

	Number	Appearance Based *	Defendant Based **
1976-77	1,008	1.93%	3.01%
1977-78	1,782	2.69%	3.95%
1978-79	2,707	2.88%	4.69%
1979-80	2,783	2.85%	4.75%
1980-81	2,985	3.04%	5.31%
1981-82	2,815	2.81%	5.12%
1982-83	2,611	2.34%	4.09%

Source: Pretrial Services Monthly Reports

* Percentage of defendants released through the pretrial release program who failed to meet scheduled court appearances, computed on number of appearances scheduled

** Percentage of defendants who failed to make court appearance, computed on number of defendants

Innovative, informative and challenging education seminars for judges and court support personnel are regularly conducted so that each group will have an opportunity to maintain the highest degree of professional competence necessary to perform the varied judicial services required by the public and the Court of Justice.

Although approximately 85 percent of Kentucky's 235 judges voluntarily attended judicial education programs conducted by the Administrative Office of the Courts, the Supreme Court approved a rule to make judicial education mandatory for all members of the Court of Justice, effective July 1, 1983.

The rule requires each justice and judge to acquire a minimum of 30 hours of continuing judicial education per biennium. Programs conducted by the Administrative Office of the Courts will be structured to meet the mandatory requirements.

A Mandatory Continuing Judicial Education Commission was established by the Chief Justice to draft the new rule for consideration by the Supreme Court. The Commission will exercise general supervision over the administration of the rule, accredit sponsors of courses, programs, and other educational activities which will satisfy the requirements of the rule. The Commission will also have authority to exercise exemptions due to disability or for other good cause.

Members of the Commission are:

Justice Donald Wintersheimer
Chairman
Senator Charles W. Berger
Judge William Cooper
Judge John Daughaday
Judge Melvin Duke
Honorable John Hickey
Judge William Howerton
Representative E. Louis Johnson
Dean William R. Jones
Judge Charles Luker
Senator Ed O'Daniel
Judge Daniel Schneider
Judge Robert Spragens
Representative Aubrey Williams
Dean Barbara Lewis

Separate education committees for circuit and district judges meet regularly to assist in planning judicial seminars. A review of questionnaires and evaluations from previous programs provides the committees with valuable information about the education needs of the judges.

Circuit Judges Education Committee

Judge J. B. Johnson, Jr., Chairman
Judge William Cooper
Judge Sidney Douglass
Judge Charles Luker
Judge Olga Peers
Judge George Ryan

District Judges Education Committee

Judge John Daughaday, Chairman
Judge Howard Bowles
Judge John Carter
Judge Kelly Clore
Judge Benjamin Dickinson
Judge Leonard Kopowski
Judge Edwin Rice
Judge Julia Tackett

The circuit judges convened September 27-October 1 at Lake Cumberland Sate Park for their 1982 Judicial College. The education program topics consisted of Findings of Fact and Conclusions of Law, Judicial Writing, Judicial Ethics, Domestic Relations and Arbitration in Domestic Relations.

The district judges met in Owensboro, July 21-24, 1982 for a Legislative Program. Presented at the seminar was an overview of new legislation passed by the 1982 General Assembly.

The 1982 District Judges Annual Judicial College was held at Kentucky Dam Village State Park, September 12-17. The program consisted of presentations and discussions on Search and Seizure, Driving Under the Influence of Alcohol, Judicial Prejudice, and tours of the Western Kentucky Farm Center and Kentucky State Penitentiary.

Training for court-support personnel is not mandatory but is a high priority and is provided when funding permits. The circuit clerks have an education committee which meets to assist in planning of semi-annual conferences.

Circuit Clerks Education Committee

Mr. Jim Groves, Chairman
Mr. W. J. Brien
Ms. Christine Coleman
Ms. Edith Cox
Mr. R. H. Gash
Ms. Carolynn Horn
Mr. John Kearns
Mr. Ed Schroeder
Mr. Arthur Walson
Mr. Leslie White

The circuit clerks met in Paintsville, October 6-8, 1982 for their fall conference. Because of limited funding, the invitation was sent to circuit clerks only, but several deputies attended at their own expense. The program included presentations and workshops on Judge-Clerk Relationships, Equipment Ordering and Repair, Court Facilities and Space Management, Problems and Solutions for Implementing Legislation, Coping with Stress, and Revisions to Clerk's Manual. The Circuit Clerks 1983 Summer Conference was held in Louisville, June 8-10, 1983 at their own expense.

A series of ten one-day Clerks 1982 Legislative Changes Seminars were held throughout the state from June 25-July 2, 1982. The programs were designed to provide maximum training on new legislation at minimum cost by using AOC personnel and circuit clerks as instructors with little or no expense involved for the attendees.

A seminar on Medical Terminology and Update on AOC Procedures was held in Louisville, July 15-16, 1982 for official court reporters. The Kentucky Trial Court Administrators gathered at Natural Bridge State Park, November 4-5, 1982 for a one-day seminar on Jury Management.

Upon assuming office as administrative head of the Court of Justice, Chief Justice Robert F. Stephens announced his intention to improve the public's perception of the courts through increased public information and education about the functions of the judicial process. With this imperative in mind, the Public Information office has actively assisted the state Department of Education in revising the Court of Justice teacher's manual, and Eastern Kentucky University in formulating a state-wide kindergarten through 12 law-related education program.

In pursuit of an enlightened and supportive citizenry, the Chief Justice has urged court officials and personnel to meet personally with community groups and the media to bring about a better understanding of the court system. To this end, Public Information has provided audio/visual productions and hand-out materials to assist speakers with their presentations. These items are also distributed widely to teachers for use in their classrooms.

Public Information also encompasses daily media relations, responses to public and other agency inquiries, as well as the production, publication, and distribution of various court-related educational and informational materials such as newsletters, brochures, directories, news releases, and audio/visual aids.

ELECTRONIC DATA PROCESSING

By means of effective data processing applications, the Kentucky Court of Justice maintains a court information system which facilitates the retrieval of judicial statistics and, equally advantageous, a system which assists in management and administrative functions.

Caseload information systems for the circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases.

In the two largest metropolitan areas of Kentucky, Jefferson and Fayette Counties, case information systems are maintained which produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In Jefferson County, the system interfaces with the computers of other law enforcement and court-related agencies.

Management systems which assist the Administrative Office of the Courts in its day to day operation are invaluable. Programs have been designed to ameliorate the problems associated with manual processing, and function to produce reports as often as necessary.

In these times of economic distress, budget-related systems are among the most useful in administrative matters. Since the Kentucky General Assembly meets in regular session only once every two years, a biennial budget request and program memorandum must be prepared and submitted several months prior to the convening of the legislature. A budget request system is maintained which produces worksheets containing continuation and supplemental budget request information. Additionally, an expenditure analysis assists in the posting of all financial accounts and provides information concerning the availability of funds or budget status for the fiscal year. Detail expenditure reports are produced as well as an automatic detail reconciliation report. State appropriations to the Court of Justice are monitored continually through the use of these programs.

A personnel/position control system has been installed which controls and accounts for all filled and vacant positions in the court system. The program can produce personnel listings in various sequences, requests for personnel action, for annual increments, and budget projections for calendar and fiscal years. Personnel actions are now entered on-line by the personnel/payroll section which insures that all personnel records are up to date and accurate. The personnel/payroll section has also been supplied with a terminal which provides access to the UPPS master file to enhance coordination between agencies. The payroll cost distribution system distributes payroll and fringe benefits costs for the circuit clerks to the 120 Kentucky counties, and creates automatic budget adjustments and expense transactions.

To expedite the delivery of service to judges and circuit clerks throughout the state, two inventory systems are maintained: (1) the forms/supplies inventory system which provides control and re-order procedures, and produces inventory balances and shipping orders daily, and (2) the equipment inventory system files all state and other-owned equipment by location and item number.

A unified county receipts system functions to provide an audit trail and summary reports of cash receipts and disbursements as submitted monthly from each county by the circuit clerk. The data base was formed by entering information from monthly financial reports dating back to 1978.

A Court of Justice address system is available which contains 17 classes of address listings and which can produce address labels by specified order, e.g., by zip code, alphabetical order, or by judicial district.

In order to provide for the statistical analysis of the Economic Litigation Project, a system has been designed which captures the necessary case-related data.

A system has been developed to assist the Jefferson County Circuit and District Courts with the management of their jury pool. Records are kept on jurors summoned, those held over and their trial dates. The system also has the capability of issuing, voiding, and reconciling handwritten checks for juror payments.

The Facilities Section is aided in its management of the facilities fund appropriation by a computerized system which captures data from the capital cost construction forms and the field verification forms. The system then calculates the total operating expense, court operating expense, rental expense, space ratio, normal use allowance, and applicable use allowance.

In an effort to assist the executive branch in distributing payroll information to its agencies in Lexington, the AOC has provided a remote printer at its Lexington location for their use.

During August of 1982 the Administrative Office of the Courts converted its data processing operations from the executive branch main computer to its own agency-operated computer. This has provided the AOC with greater flexibility and responsiveness to user requirements.

Other programs are in the design and implementation states, and will be fully operational during fiscal year 1983-84. Included in the work plan for this year are systems related to legislative bill tracking, Supreme Court case management, Pretrial Services statistics, Campbell County warrant control, driver histories/traffic case dispositions, Bar Association address labels, and Bar Association Continuing Legal Education.

The case management systems in Fayette and Jefferson counties will be enhanced with the installation of the on-line PROMIS systems (software package tailored to specific needs).

REGIONAL ADMINISTRATION

By order of the Supreme Court dated December 5, 1977, a pilot project for regional administration was created and became effective January 2, 1978. Pursuant to Section 112(4) of the Kentucky Constitution, a statewide regional administration plan was developed by the Administrative Office of the Courts and presented to the Judicial Council for its consideration. The Council recommended the plan for initial experimentation in two circuit court regions. Following initial success of the concept, ten regions were approved and established to encompass the state. Additionally, three pilot district court regions were proposed and established in 1978. Two of the district court regions have unique boundaries while the third region has boundaries coterminous with the Eastern Region of the circuit court program.

The regional administration project had four goals during this period: (1) to equalize work among the judges within regions; (2) to expedite the disposition of litigation within regions; (3) to promote uniform procedures and practices within regions and throughout the state; and (4) to increase the responsiveness of the Administrative Office of the Courts to the needs of the trial courts.

A number of factors were considered in determining the composition of the ten regions, including: (1) caseload per circuit judge; (2) the rank order of judicial circuits by caseload per judge; (3) the number of circuit judges and counties; (4) geographical constraints; (5) highway quality and access; (6) trial commissioner use; and (7) kinship disqualification.

Under the provisions of the charter accompanying the order of the Supreme Court, a chief regional judge is selected in each region by the circuit judges within the region. His duties are: (1) to plan, coordinate and supervise activities within each region; (2) to advise the regional coordinator of information necessary to make a judicial transfer decision; (3) to work with the regional coordinator to set up exact procedures for conducting the project within his region; and (4) to exercise within his region the temporary assignment authority delegated to him by the Chief Justice.

In February 1982, two circuit court regions were added, and the district courts were organized for statewide regional administration under the same criteria as that of the circuit courts.

The regions have acted vigorously under the charters to exercise special judicial assignment authority. During the period July 1, 1982 through June 30, 1983, special assignments have been made as indicated in the chart below.

Number of Assignments
Regional Administration Program
Fiscal Year 1982-83

	District Court	Circuit Court	Total Assignments
Purchase	21	9	30
Pennyrile	12	83	95
Green River	14	21	35
Central	58	107	165
Northwestern	33	33	66
Northern	36	28	64
Northeastern	7	9	16
Southeastern	— *	106	106
Eastern	8	20	28
Mountain	1	78	79
Jefferson/Bullitt	11	34	45
Fayette	3	— *	3
Totals	204	528	732

* No report available

THE CIRCUIT COURT CASELOAD WEIGHTING PROJECT

A continuing concern in the administration of the court system is that an objective and fair method of determining personnel needs is available for circuit and district court. Among the various methods of assessing personnel requirements, a court's caseload is frequently used as an indicator of court workload. The problem associated with this method is that the differential demands of case types are obscured by this summary figure. In an effort to accurately reflect the differences in time that are required, various case "weighting" procedures have been developed. A "weighted" caseload figure is assumed to better represent the work demands on court personnel than a single caseload total.

In 1976, a study of Kentucky court manpower requirements, based on a weighted-caseload study of 10 judicial circuits, was completed by the AOC and Arthur Young & Company. The study utilized case-processing time values which represented an accounting of time required to handle various types of cases in the system and a judge-year/clerk-year value which represented the average amount of time available per year for processing cases. These time requirements were then applied to projected 1978 caseload figures to determine personnel requirements. The advantage of this method is its ability to make reasonable estimates of the judicial and support staff needed. Disadvantages are present, though, because this method is both a time-consuming and costly means of assessing personnel needs.

Thus, while the Young method of case weighting was very useful, it was considered too costly in terms of personnel and money to replicate in 1979 in order to apply to circuit court caseload data. After reviewing various approaches available, the method of case weighting used by the Pennsylvania court that combines elements of the Young procedure with **Delphi** techniques developed by the Rand Corporation to extract opinion consensus from panels of experts appeared appropriate for Kentucky. With the Delphi approach, estimates of time (or whatever the issue involves) are generated by a panel of experts. Assessment of the estimate of time continues until a group consensus emerges as to the average time in question. In Pennsylvania and in Kentucky, judges were designated the "experts" and were assigned the task of determining the average amount of judge time required to carry different types of cases to completion. The figures generated from the surveys conducted of the judges serve as the case weight which, in turn, is applied to court caseload to produce a "weighted" caseload.

Method

In Kentucky, the case weighting project has been limited to the circuit court level. First, this was to permit a test of the method under more manageable conditions since the circuit court has fewer judges and a much smaller total caseload than district court. Second, the circuit court data is computerized which permitted the automatic application of the weight to the raw caseload. In contrast, the district court caseload data is manually compiled and summary totals only are entered into the computer. Because of the volume of the district court caseload, it is not presently possible to compile detailed disposition data for this court.

In the spring of 1979, the 87 circuit judges serving in Kentucky were asked to complete two questionnaires on the relative difficulty of their caseload. Rather than ask for a specific time estimate by case type from the judges, they were asked to indicate for a series of 136 pairs of case activities which case type required, as a rule, the most work for them. The case activities were types of cases upon which the Administrative Office of the Courts' case-reporting system obtains disposition information. Each of 17 case types was paired with all others and, following a statistical analysis dictated by this paired-comparison method, the result was the assignment of a scale value or "weight" to each circuit court case type. Sixty-six judges participated in this survey.

The circuit caseload weights, after being converted to a ten-point scale, are shown on Table 5. Using the Rand procedure as a model, the weights of the case types were submitted for review to the circuit judges who participated in the first round of questioning. No changes in the weights or ranking of the case types occurred from this step.

Results

The results of the rating process accomplished by the circuit judges indicate that a civil jury trial is considered the most demanding case category with a civil court trial and criminal jury trial only slightly less difficult. A dismissed case was rated as the

TABLE 5

CIRCUIT COURT CASELOAD WEIGHTS

Case Category:	Weights
1. Civil-Criminal Dismissed and Civil Default	.31
2. Civil-Settled	1.50
3. Uncontested Divorce	1.82
4. Mental Competency	2.32
5. Mental Commitment	2.34
6. Adoption/Termination	2.38
7. Criminal-Guilty Plea	3.30
8. Civil-Lower Court of Appeal	3.59
9. Criminal-Lower Court of Appeal	3.72
10. Probate Challenge	4.32
11. Other Domestic	5.53
12. Workers Compensation	5.79
13. Criminal-Court	7.34
14. Contested Divorce	7.97
15. Criminal-Jury	9.74
16. Civil-Court	9.78
17. Civil-Jury Trial	10.0

least demanding case type on the average. Again, the final ranking of the 17 circuit court case types is shown in Table 5.

These weights have now been applied to the FY82 and FY83 circuit court case disposition information reported to the Administrative Office of the Courts. Because some courts continue to report their criminal caseload on the basis of charges rather than defendant, a reduction in these counties' criminal weightings has been manually calculated. However, after taking note of this problem, a total civil and criminal weighted caseload number for each circuit is now available. The ranking of the FY83 circuit court weighted caseload on a per judge basis, i.e., the circuit's total caseload figure is divided by the number of judges, is shown on Table 6. Also noted by an * are the circuits utilizing a domestic relations commissioner.

In FY82, Circuits 41, 22, 11 and 34 ranked highest in the state in weighted caseload. In FY83, Circuits 22, 11 and 34 are ranked as the three highest circuits in the state, respectively, and the 41st ranked eighth out of 56 circuits. All of these circuits, in both years, are high "raw" caseload circuits. To obtain these high weighted ratings, these circuits reported a high number of jury and court trials and a high percentage of domestic relations cases; all of which are time-consuming case types and are accordingly weighted heavily. None of these circuits utilize a domestic relations commissioner which may account for the higher trial rate.

While specific time data on these circuit court case types have been collected to verify these weights, the results of this quantitative approach to define high workload areas correspond closely to the results produced by the very different method used in 1980 and 1981 to study workload. During this time period, a variety of data on each circuit and district was collected; among the information compiled was caseload, travel, court staffing, facilities and other relevant objective data on each court across the state. In addition, the local judges were asked to indicate their problems and rate their overall workload conditions, using this multi-factor approach, the same circuits were defined as areas with undesirable caseload pressure. The results of this earlier study appears to lend strong credence to the findings of the FY83 caseload weightings and subsequent ranking derived from the very quantitive approach that the case-weighting system represents.

TABLE 6

FY83 WEIGHTED CASELOAD PER JUDGE RANKED **

RANK	CIRCUIT NUMBER	WEIGHTED CASELOAD
1	22	4081.83
2	11	3396.00
3	34	3209.00
4	42 •	3133.00
5	32 •	2983.50
6	54 •	2983.00
7	13 •	2802.00
8	6 •	2780.00
9	41	2704.00
10	28 •	2669.00
11	35 •	2497.00
12	21	2479.00
13	17 •	2451.50
14	14 •	2392.00
15	53	2383.00
16	31	2298.00
17	26	2278.00
18	20 •	2260.00
19	39	2227.00
20	12 •	2225.00
21	4 •	2215.00
22	29	2211.00
23	9	2149.50
24	5	2101.00
25	25 •	2084.00
26	27 •	2066.00
27	45	2061.00
28	37 •	2040.00
29	38	2031.00
30	56	2000.00
31	8 •	1978.50
32	50 •	1966.00
33	10 •	1957.00
34	51	1884.00
35	46	1867.00
36	16	1852.75
37	43	1847.00
38	19 •	1843.00
39	15	1840.00
40	40	1801.00
41	24	1782.00
42	7	1752.00
43	36	1752.00
44	30 •	1740.56
45	44	1720.00
46	3	1567.00
47	2 •	1561.00
48	52	1478.00
49	1	1475.00
50	47	1470.00
51	23	1460.00
52	55	1409.00
53	33	1315.00
54	49	1266.00
55	48 •	1258.50
56	18 •	1160.00

• A domestic relations commissioner serves in this circuit

•• Special judge assignments outside the circuit are not reflected in the weighted caseload

Summary

Unfortunately, the circuit court case weighting system does not translate into a time measure, i.e., the weight cannot be divided into available judge-time to derive judge positions required to handle the cases in a court. However, the case weights do provide a picture of relative work demand across the state. Those circuits with the more difficult and time-consuming court activity, such as court and jury trials, are so indicated by their high ranking. In contrast, circuits that have a larger proportion of their caseload dismissed, settled, or uncontested rank lower.

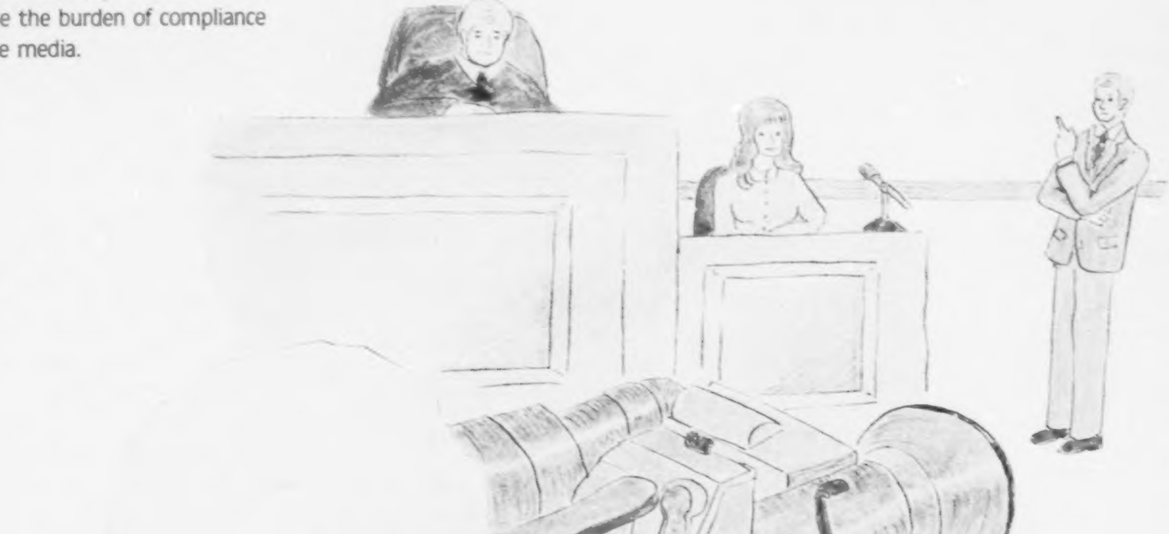
In summary, the rankings derived from the caseload weighting procedure represent a valuable resource for the courts. Finally, recognition is being given to those circuits handling the more demanding caseload. The circuit court weighted caseload figures offer an objective procedure to assess relative workload pressure across the state. Furthermore, the correlation between the conclusions drawn from a multi-factor study completed in 1981 and the present statistical system supports our view of the validity of the weighting procedure.

CAMERAS IN THE COURTROOM

Effective July 1, 1981, by amendment to the Rules of the Supreme Court (SCR 4.300, Canon 3A(7), the use of electronic equipment in Kentucky courtrooms is permitted.

Subject to standards of conduct and technology set forth in material appended to the rules, the decision to allow cameras in the courtroom rests with each judge. The standards are simple and easy to follow, but place the burden of compliance upon the media.

Essentially, the rules require that only one portable television camera and one still camera, each operated by one person, shall be allowed in the courtroom; the cameraman must remain stationary in order to prevent distractions. Further, only one audio recorder for radio broadcast purposes is permitted. Pooling procedures for each segment of the media must be worked out by media representatives without the judge having to mediate disputes among them. The judge, having permission for the presence of electronic



equipment during a trial, may also order its removal in the event of any disruptions in court proceedings.

A measure of the success and acceptance of the rules was evidenced during the highly publicized trial of a locally elected official, a county sheriff, on charges of conspiracy to murder and arson. Circuit Judge Henry V. Pennington presided over the trial, which was held in Danville from October 25 through November 3, 1982.

In an effort to accommodate the news media and yet preserve the defendant's right to a fair trial, media organizations were provided copies of the general media guidelines and special provisions for this particular trial well in advance of the trial date. News representatives met at the Boyle County Courthouse several days prior to the trial to work out camera locations, pooling procedures, and other technical details.

Press credentials were issued to allow news people to move freely throughout the courthouse, and they were able to operate generally without court supervision. Many television stations utilized a feed to an outer hall and did not enter the courtroom at all. The television camera inside the courtroom was silent behind the jury box, and still cameras were "blimped" to avoid distracting the proceedings. A press bench large enough for eight people was fitted with electrical outlets for portable recorders and placed inside the bar. A room in the courthouse was renovated, furnished with a courtroom speaker, and equipped with a pay phone for use by the media.

In an unusual move by the trial judge, media representatives were allowed into the judge's chambers during the frequent in camera hearings. At one point, eleven members of the print and electronic media, counsel for both sides, witness and his counsel, and security personnel were all in chambers for a hearing. This practice allowed the press to prepare more knowledgeable accounts of the trial and gave the public some degree of access to the less public aspect of judicial proceedings. Admission to chambers has since been continued by the trial court in cases where it has been requested.

Because this particular case involved an elected official who was eventually convicted on charges of conspiring to commit murder, it received wide coverage in the media. Investments in new court technologies in the areas of court security and modifications of the physical facilities to accommodate the news media brought a broad exposure to the Kentucky judicial system. Not only did a very difficult trial situation run smoothly, but a great deal of positive public reaction to the court system was generated.

ECONOMICAL LITIGATION PROJECTS

12
9
3
6
TUES
9
MON
8
Fri
5
Thur
4
WED
3
TUES
2

Concerned about unnecessary delay and costs of civil litigation and about the public image of the courts, former Kentucky Supreme Court Chief Justice John S. Palmore requested assistance from the American Bar Association Action Commission to Reduce Court Costs and Delay in early 1980 to address these problems. As a result of cooperation between the Action Commission, the Kentucky Administrative Office of the Courts, judges and attorneys, an economical litigation project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow. The Circuit Court of Campbell County, a two-judge, medium caseload, urban court was the first site to test this new concept. A description of the Campbell County Economical Litigation Project, the special rules of civil procedure, the case management system and results as of June 30, 1982 are found in the FY80-82 Annual Report, as well as in this document.

After determining that the special court rules of Campbell County had a positive influence on case processing, ELP was expanded to two additional circuits during FY1983. As of October 1, 1982, the 21st Circuit of Bath, Menifee, Montgomery and Rowan Counties applied slightly modified ELP rules to the civil docket. In November 1982, the 13th Division of the 30th Circuit came under the purview of ELP rules. While the 21st Circuit is a high "per judge" caseload court with one judge and four counties, the 30th Circuit is Jefferson County, the court with the highest population and highest total caseload in the state. Support staff for the project in the 21st circuit is limited to the judge's secretary and the clerks in each of the four counties, while in the 30th circuit, a court administrator, bench clerk, and secretary are directly involved in monitoring and managing the caseflow of ELP cases. The contrast in the court environments and working conditions within these three jurisdictions was sought in order to better test the feasibility of transferring the ELP concept statewide. While the rules can undoubtedly be adopted with little trouble, the administration of the program and adherence to the spirit of the rules by the court requires management expertise and resources that all courts may not have available. For this reason, in FY84 the AOC will be focusing on how to transfer this project efficiently to other locations throughout the state.

Economical Litigation Project Rules

Each of the three courts operated in FY83 under the same Supreme Court Rules, i.e., Rules 89 through 97, adopted in September 1982. Under the rules, civil cases respecting contracts, personal injury, property damage, land condemnation, and termination of parental rights are assigned to the ELP docket. Domestic relations cases which average 43% of these circuits total caseload are not included. Table 7 indicates case category breakdown of the ELP cases in the 17th, 21st and 30th Circuits. Also noted is the caseload breakdown for a group of non-ELP or "Regular" cases in Campbell County; this group of cases provided a basis for comparison of results in Campbell County and will be presented in this report also.

Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special ELP rules. After discussion with the judges in Campbell County, members of the American Bar Association, and the two judges of the 21st and 30th Circuits, the rules first implemented in Campbell County in December 1980 were modified slightly and ordered into effect in all three courts in September 1982. The changes were not major; for example, the setting of a trial date was to be accomplished at the discovery conference rather than at the pretrial conference to better accommodate attorneys and the court calendars. Also added to the rules was the use of telephone conference calls for conferences or motions. Both rule modifications were incorporated to facilitate caseflow.

In addition, in Campbell County, the civil docket eligible for ELP was no longer split randomly in half. A procedure of random assignment had been followed in order to more scientifically evaluate the impact of the rules. After September 1982, all eligible cases in all three courts were subject to the following rules.

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference, which includes the trial judge and all parties, is essentially designed to plan the course of discovery and discuss any special needs regarding the limits of discovery and case event time. At this conference a pretrial conference is scheduled within 60 days of the discovery conference and the trial date is set 30 days following the pretrial conference.

2. Depositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

Table 7

CASE TYPE COMPARISONS IN ECONOMICAL LITIGATION PROJECT SITES
17th, 21st and 30th Circuit-13th Division

	17th Circuit: Campbell County (12-15-80 to 12-15-81)		21st Circuit: Bath, Menifee Montgomery, Rowan (10-1-82 to 6-30-83)	30th Circuit-13th Division: Jefferson County (11-1-82 to 6-30-83)
Case Type *	**ELP**	**Regular**	**ELP**	**ELP**
Contract	66%	67%	64%	54%
Personal Injury	20%	13%	10%	25%
Property Damage	11%	11%	7%	8%
Property Rights	2%	9%	17%	3%
Other Civil	**	**	2%	11%
Total Case Filings during period noted	100% 167	100% 193	100% 149	100% 80

* No termination of parental rights cases were assigned to ELP in any of the three courts.

** Not used as a category when collecting data.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including a list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than 10 days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. The use of telephone conference calls for motions and conferences is available to the court and parties.

7. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

The Case Management System

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

The judges are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until its last day. Emphasis is placed on an early discovery conference and a firm trial date. There is little hesitation to call attorneys if a case is found to be severely lagging behind the targeted event dates.

It is not meant to imply that in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief has been granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the support staff in the project sites. As could be expected from the earlier description of these court environments, each court has handled the administrative responsibilities differently. The case management approach of each court is described briefly below.

17th Circuit-Campbell County.

During the first two and one-half years of operation, the clerks have been responsible for administering the random assignment procedure for ELP and regular dockets, assigning each ELP case a special case number, and color-coding the ELP case jackets and docket sheets. Other than these differences, the ELP cases have moved through the clerk's office as do all other civil cases.

At the heart of the ELP rules is the utilization of planning conferences and an adherence to established time guidelines. In Campbell County, the responsibility for monitoring the status of the ELP cases, flagging cases not proceeding according to rule, and notifing attorneys and judges of delay has rested on the court administrator. To accomplish this, the administrator is required to notify the parties upon lack of service of the complaint or failure to respond to the complaint, and when the discovery and pretrial conference has been set. He also informs the two judges in the circuit of those cases with pending conferences or trial and which cases are deviating from the targeted track of events. Case tracking and notification has been handled through a manual caseload tracking system. However, the feasibility of computerization of these and other records in the Campbell County Clerk's Office is now being studied. Automation could provide the court with an automated tickler file system to handle much of the tracking and notification tasks and permit the court administrator to resume his regular duties. Through FY83, however, these functions have been handled efficiently by the staff.

21st Circuit-Bath, Menifee, Montgomery, and Rowan Counties.
The four-county makeup of this circuit presented unique problems in terms of scheduling and monitoring case activity. As in Campbell County, the clerks have assigned a special case number and placed the ELP cases in a special case jacket. Then, to assure that scheduling conflicts did not occur, the judge's secretary assumed primary responsibility for case management in this circuit. Using copies of the most relevant case documents, i.e., complaints, service, answer, and motions, that are sent from the individual clerks' offices to the secretary, a duplicate case file is prepared and a card tickler file was set up in the secretary's office to mark when specific action by the court or the parties is due. Notification of the discovery conferences and other scheduling and the need for service or default judgments is issued from this office. While computerization was considered for this circuit, it was determined that the data entry required would offset the benefits of the automatic tracking. Unless case data is entered in conjunction with clerk's office functions, a switch from the present efficiency of the manual index card tickler file could not be justified.

30th Circuit, 13th Division-Jefferson County. To accommodate the high caseload volume in Jefferson Circuit Court, the clerks in this court specialize in specific record-keeping tasks. Thus, a number of people were affected by the introduction of ELP into this division. While one segment of the clerk's office assigns the special case number, another maintains the docket sheets, and another files the actual case jacket. Most affected, however, were the circuit court administrator and the judge's bench clerk. A cooperative arrangement between the two has been established to monitor the status of the ELP cases and to keep the cases progressing as required. Twice weekly, the court administrator collects case information from the case docket sheets, logs it, and determines the type of action needed by the parties or court and when action is due. The status of these cases is reported to the bench clerk who sets dates in accordance with the judge's calendar, sends appropriate notice to the attorneys, and/or confers with the judge to determine appropriate action.

In all three courts, the operation of the ELP has meant additional administrative responsibilities for the judges and their support staff. Before the initiation of each project, those to be affected by the special ELP rules were brought together with the staff from the American Bar Association and AOC to discuss the goals of the project, calculate the impact on their specific job, and determine the most efficient method of implementing the rules. As can be seen, each court developed their own procedures, all seemingly effective, to handle their duties.

The goal of AOC staff in FY84 will be to determine if a uniform system of case monitoring and accountability can be developed from the procedures used in the three experimental courts. Further expansion seems warranted based on the effectiveness of the rules in reducing delay but the limited number of staff, particularly in the rural areas of the court system across the state, must be considered before full implementation of these rules can be adopted statewide.

The Effect of ELP Caseflow

Extensive data has been collected and analyzed on the operation of the Campbell County project over the past several years by the American Bar Association staff; a preliminary review of the ELP cases and their processing during the time period covered by this annual report in the 21st and 30th Circuits has been undertaken by AOC staff. A description of findings follow. In all three courts, the ELP rules appear to contribute to the speedier processing of cases. The results of the Campbell County experience have already been reported in detail in the FY80-82 Annual Report and in several national publications and, hence will be briefly reported here for comparison purposes.

17th Circuit-Campbell County.
On the basis of data collected in Campbell County, the ELP in this circuit has been defined a success. In the winter of 1981 and again in the spring of 1982, ELP case files and the case files of a group of cases closed prior to the project were examined. It was found that ELP cases were, on the average, being disposed in five months (151 days) thus meeting the overall goal set for the project, i.e., the disposition of cases in six months or less. Further, when compared to the

disposition time of the regular docket, i.e., 16 months (458 days), the effectiveness of the rules is strikingly demonstrated. As could be expected, there were reductions in the processing time of every major case event in the ELP cases that went to trial:

1. Pleadings are completed 1 1/3 months earlier than in the regular docket cases;
2. Discovery is completed 10 months earlier;
3. Pretrial is reached 6 1/2 months earlier; and
4. Trial is held 1 1/2 months earlier.

While the rate of settlement, dismissal, and trial were nearly identical for the two groups, i.e., 29% and 34%, 23% and 20%, 9% and 9%, the ELP cases were found to close in the earlier procedural stages. For example, 18% more ELP cases closed before joinder of issue, while 16% more regular docket cases closed during discovery.

To assess whether these reductions in case delay realized any costs savings to clients via time savings to the attorneys or through the reduction in discovery devices required, the ABA Action staff conducted a phone survey of attorneys who handled ELP cases and reviewed the case files concerning the number of discovery devices filed per case. The ABA survey found five times as many attorneys reported reducing costs to their clients in all or nearly all the ELP cases than in few or no cases. Attorneys appeared to be passing their savings in time and savings from the reduction in formal discovery, i.e., fewer depositions and interrogatories were found to be filed in ELP cases, on to their clients. Of great importance is that these attorneys did not see the special rules as affecting the quality of the court process.

In sum, the Campbell County ELP project has been considered a success and thus justified the expansion to other courts to the ELP concept.

21st and 30th Circuits. In November 1983, AOC staff visited the two new ELP sites and collected information on ELP cases handled from their project start-up dates until June 30th, a portion of the time period covered by this report. Basic descriptive information and time interval data was recorded from the ELP case docket sheets and files. Preliminary analysis suggests the same speedy resolution of cases in the 21st and 30th Circuits as was found in Campbell County. In the 21st Circuit's first nine months of operation the average age of closed cases was 91 days or 3 months. In the 30th Circuit, Division 13, the average age of closed cases in the first eight months was 95 days or 3 months. Similar results were evidenced in Campbell County in its first 12 months of operation, i.e., cases closed in an average of 3.8 months. Table reports the total caseload volume and case volume and age of the pending and closed cases for each of these courts. Although control group data was not collected in the 21st or 30th Circuits, the closing time periods appear so similar to that of the 17th Circuit's ELP cases that, again, it can be surmised that adherence to these rules does move cases through court expeditiously.

As with the type of case composition (presented in Table 8), the manner of disposition varied between the three courts. But, as noted, the speed that ELP cases in all three courts are handled is quite comparable. In Table 9, the manner of disposition and stage of closing in these courts is reported. The Campbell County figures reported in Table 9,are based on the ABA study in the spring of 1982 of ELP dispositions of cases filed in the first year. The regular docket cases in Campbell County are also included for comparison. As in Campbell County, the ELP cases in the 21st and 30th Circuits are closing in the earliest stage of case processing, particularly in the 21st.

Evaluation of the operation and effectiveness of the ELP rules is on-going. It is hoped that this program will continue to expand but, before this is possible, a careful consideration of the case management aspects of the project will be needed as court resources continue to be restricted.

TABLE 8

ECONOMICAL LITIGATION PROJECTS:
Filing, Disposition and Case Age Information

	17th Circuit: Campbell County (12-15-80 to 12-15-81)	21st Circuit: Bath, Menifee Montgomery, Rowan (10-1-82 to 6-30-83)	30th Circuit-13th Division: Jefferson County (11-1-82 to 6-30-83)
Total Filed	167	149*	80***
Number Disposed/%	82 (49%)	59 (40%)	55 (69%)
Average Age of Closed	114 days/ 3.8 mo.	91 days/ 3 mo.	95 days/ 3 mos.
Number Pending/%	85 (51%)	90 (60%)**	25 (31%)****
Average Age of Pending	135 days/ 4.5 mos.	88 days/ 3 mos.	158 days/ 5 mos.

* 13 cases were transferred from ELP docket or stayed by bankruptcy and were excluded from analysis.

** 40/90 pending were closed by 11-2-83, i.e., when data collection occurred.

*** 3 cases transferred or stayed and thus excluded from analysis.

**** 18/25 pending were closed by 11-4-83, i.e., when data collection occurred.

TABLE 9

ECONOMICAL LITIGATION PROJECT:
Disposition Profile and Point of Disposition

	17th Circuit: Campbell County (12-15-80 to 12-15-81)		21st Circuit: Bath, Menifee Montgomery, Rowan (10-1-82 to 6-30-83)	30th Circuit-13th Division: Jefferson County (11-1-82 to 6-30-83)
Disposition Type	**ELP**	**Regular**	**ELP**	**ELP**
Settled	29%	34%	12%	53%
Dismissed	23%	20%	25	11%
Default	10	7	44	24
Jury	9*	9*	0	4
Summary	1	3	5	5
Motion	28	27	7	4
Court	-	-	7	0
	100	100	100%	100
Case Disposition Stage				
% Starting but not surviving pleadings	48%	35%	78%	47%
% Starting but not surviving discovery	27%	39%	15%	38%
% Starting but not surviving pretrial	16%	17%	3%	11%
% Starting trial	9%	9%	3%	4%

* Total trial rate

THE JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court, and over complaints against non-judge candidates for judicial office. The composition of the commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1982-83 were:

Honorable Ben L. Kessinger, Jr.
Chairman
Attorney, Lexington

Judge Kenton Cooper
Court of Appeals, Jamestown

Judge N. Mitchell Meade
Circuit Court, Lexington

Judge Charles D. Scott
District Court, Louisville
(Sworn in, March 1983)

Ms. Carol Hebel
Louisville
(Sworn in, November 1982)

Mr. Drura Scott
Henderson

The Commission, in accordance with the rules, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Honorable Richard Nelson
Attorney, Covington

Judge Paul Gudgel
Court of Appeals, Lexington

Judge William E. Allender
Circuit Court, Bowling Green

Judge John Adams
District Court, Lexington

Jurisdiction and Authority

The Rules of the Supreme Court adopted October 1, 1976 relating to the jurisdiction and authority of the Retirement and Removal Commission remained unchanged until they were amended effective March 8, 1983.

The amendments give jurisdiction of complaints against non-judge candidates for judicial office to the commission. Until the adoption of the order by the Supreme Court, any disciplinary actions against lawyers seeking judicial office was handled by the Kentucky Bar Association.

The commission has the authority to impose the sanctions, separately or collectively of (1) suspension or disbarment from the practice of law; (2) admonition, private reprimand, public reprimand or censure; (3) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following: (1) Misconduct in office; (2) Persistent failure to perform his duties; (3) Incompetence; (4) Habitual intemperence; (5) Violation of The Code of Judicial Conduct, Rule 4.300; (6) Any willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court and issued by the Chief Executive Officer of the Court of Justice; (7) Conviction of a crime punishable as a felony.

Finally, under Rule 4.020 (1) (c), the Commission has authority to remove a judge whom it finds to lack the constitutional and statutory qualifications required for the judgeship. Also Rule 4.020 (2) states that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission is, however, a component of the budget of the Court of Justice and the AOC provides administrative support to the Commission and its limited staff.

Mr. James D. Lawson has served as part-time executive secretary of the Commission since August 1982.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one or two part-time investigators employed by the Commission. Before a preliminary investigation is conducted, however, the judge is given notice.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the informant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges and generally to handle the hearing for the Commission.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. The number of complaints filed with the Commission increased from 73 in 1981-82 to a total of 98 in 1982-83. During this period, the Commission ordered the public censure and suspension of two other judges.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

Dispositions	1976-77*	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83
Formal Hearings	0	1	0	1	1	0	1
Removal	0	0	0	1	1 **	0	0
Disability Retirement							
Permanent	0	0	1	0	0	1	0
Temporary	0	0	1	0	2	1	1
Public Censure	0	1 +	0	1	0	0	2
Public Censure and Suspension	—	—	—	—	—	1	2
Private Reprimands	1	0	3	1	0	1	0
Resignations During Preliminary Investigation	0	0	1	0	0	0	0
Complaints Resolved After Informal Investigation	0	0	0	5	3	14	31
Complaints Resolved After Preliminary Investigation	2	0	2	3	0	5	2
Complaints Dismissed As Frivolous or Unfounded	4	7	14	10	17	32	34
Complaints Dismissed As Not Within Jurisdiction	0	0	0	5	8	14	16
Complaints Resolved After Informal Appearance	3	1	3	6	7	5	10
Pending							
Following Informal Appearance by Judge	—	—	—	1	0	1	0
Following Preliminary Investigation	—	—	—	—	2	1	0
Correspondence* **							
Letters Not Constituting a Verified Complaint	Not Tabulated	35	22	15	28	13	10

* First Meeting December 7, 1976

** On Appeal

*** Excludes Telephone Inquiries for Information

+ See **Nicholson v. Judicial Retirement and Removal Commission**, 562 S.W. 2d 642, 1978.

Kentucky court procedure is governed by the Rules of Civil Procedure (CR), Rules of Criminal Procedure (RCR), and Rules of the Supreme Court (SCR). When the judicial system was revamped by constitutional amendment in 1976, it became necessary to promulgate an abundance of rules and rules amendments to meet the changing needs of the courts.

For several years subsequent to 1976, rules revisions were made when it became apparent that existing procedural provisions were not applicable to the unified Court of Justice, and to bring the rules into conformity with constitutional and statutory enactments.

Although necessary, the process was unwieldy and it proved difficult to keep the members of the bar informed of the many amendments on a continuing basis.

In an effort to make the practice of law less complicated, the Supreme Court adopted a policy whereby rules changes will be promulgated once annually, on July 1, except in exigent circumstances. In accordance with CR 87, proposed changes may be submitted to the Supreme Court for its consideration by practicing attorneys and laymen.

Rules of Civil Procedure

The Rules of Civil Procedure govern procedure and practice in all actions of a civil nature in the Court of Justice except for special statutory proceedings, in which the procedural requirement of the statute prevails over any inconsistent procedures set forth in the Rules.

Supreme Court Justice Charles M. Leibson was appointed by the Chief Justice to chair a committee to consider proposals for civil rules changes. He in turn appointed a committee of practicing attorneys who met several times to review suggestions submitted to the Supreme Court. A report was compiled by the committee which included its recommendations for rules amendments, and a public hearing was held by the Supreme Court on those proposals. Several amendments were adopted during this reporting period as a result of the committee deliberations.

Justice Leibson and his committee are conducting similar meetings concerning the civil rules in preparation for another public hearing in the spring of 1984.

Members of the Civil Rules Committee are:

Justice Charles M. Leibson, Chairman

Hon. Uhel Barrickman, Glasgow

Hon. E. Andre Busald, Florence

Hon. Frederick Dolt, Louisville

Hon. Joseph Huddleston, Bowling Green

Hon. William E. Johnson, Frankfort

Hon. William R. Mapother, Louisville

Hon. William A. Miller, Jr., Louisville

Hon. William P. Mulloy, Louisville

Hon. Edward Stopher, Louisville

Rules of Criminal Procedure

The Rules of Criminal Procedure govern procedure and practice in all criminal proceedings in the Court of Justice. They are intended to provide for a just determination of every criminal proceeding, and must be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

The Chief Justice appointed Supreme Court Justice Roy N. Vance to assume leadership of a committee to consider proposed changes in the rules of criminal procedure. Since the adoption of a massive revision of the entire body of criminal rules took place in 1981, activity in this area has been limited. Justice Vance has formulated plans to appoint a committee to meet prior to January 1984 to review a number of proposals which have been made, whereupon the committee will submit its recommendations to the Supreme Court for its deliberation after a public hearing is held.

Rules of the Supreme Court

The Rules of the Supreme Court cover matters of policy and administration within the Court of Justice, and govern admission of persons to practice law and the practice of law within the Commonwealth. Rules relating to the Judicial Retirement and Removal Commission, the Judicial Nominating Commissions, and the Judicial Ethics Committee are included, as well as rules for trial commissioners of the Court of Justice.

Justice James B. Stephenson has been appointed by the Chief Justice to review proposed changes to the Rules of the Supreme Court.

JUDICIAL STATISTICS

A. Appellate Court Statistics

1. The Supreme Court

The workload of the Supreme Court continues to increase though at a more modest rate than previous years, as shown in Figure 1. Specifically, total filings increased by 2%, i.e., up 20 cases, to a level of 1,130. Concerning the disposition of matters in this court, dispositions rose by 6% to a level of 1,022. This was in contrast to the 12% drop in dispositions reported in FY82. Despite some minor fluctuation, it should be noted that the level of disposition for the past three fiscal years has averaged approximately 200 more dispositions per year than in the first three years of reporting to this office, i.e., FY78-FY80.

Although Supreme Court dispositions increased at a higher rate than filings in FY83, the number of pending cases rose to 507. The previous year's high level of 399 pending cases has mitigated the impact of this court's FY83 disposition activity.

Figure 2 reports the case filings and dispositions for the following case categories in FY82 and FY83: motions for transfer and motions for injunctive relief, direct appeals and original actions, discretionary review cases, and petitions for rehearing.

As in the past years, motions for discretionary review comprised the majority (approximately two-thirds) of matters filed with and subsequently disposed by the Supreme Court in FY83. This year's filing level continued at the same high level of FY82, i.e., 738. This appears to be the result of a change in rules implemented on July 1, 1981, that grants attorneys the option of filing a petition for rehearing with the Court of Appeals or filing a motion for discretionary review directly with the Supreme Court within 20 days of receiving an opinion from the Court of Appeals. Dispositions of discretionary review cases increased slightly to 672 and the difference between filings and dispositions narrowed to 67. However, the court did not reduce the overall pending level of cases in this category, as it increased from 211 at the end of FY82 to 277 in FY83.

Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court with 26% or 291 of the total cases filed in FY83 falling into the category. In FY83, 260 direct appeals and original actions were reported disposed. While there was a decline in filings and dispositions in this category in FY81 and FY82, FY83 evidenced a 14% increase in filings and 33% increase in dispositions.

The volume of injunctive relief matters (Rule 65.09) filed and disposed has remained stable since reporting of this category began. In FY83, seven motions were filed and nine were disposed. Similarly, petitions for rehearing have not fluctuated to any extent; while a small increase in filings between FY82 to FY83 was reported, i.e., 63 to 69, dispositions dropped from 71 to 53 during this time period.

The number of transfers in FY83 dropped somewhat from the FY82 level of 40, going to 25. This level remains

Figure 1
SUPREME COURT HISTORICAL

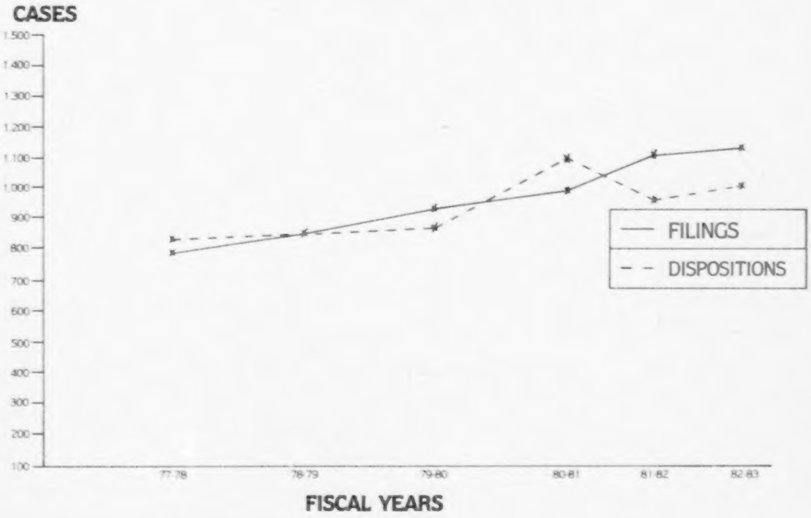
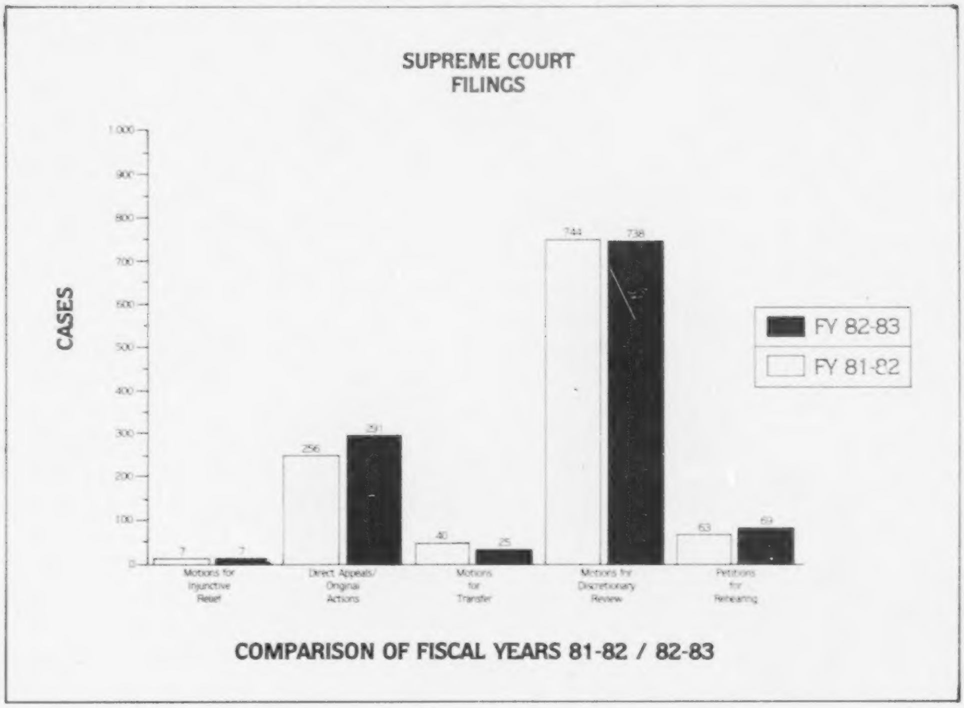
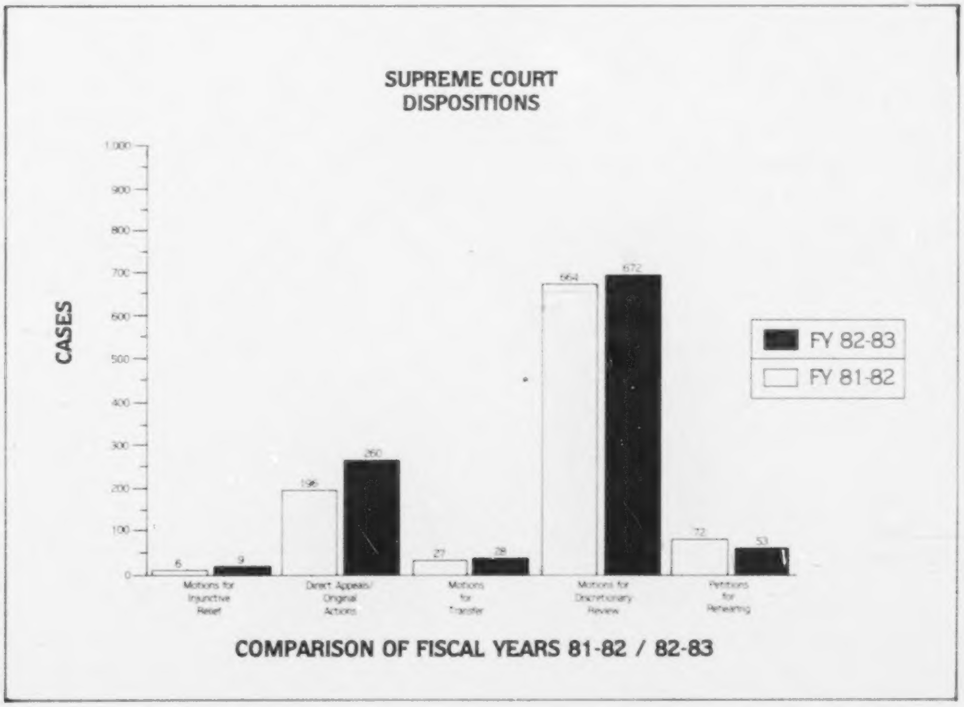


Figure 2

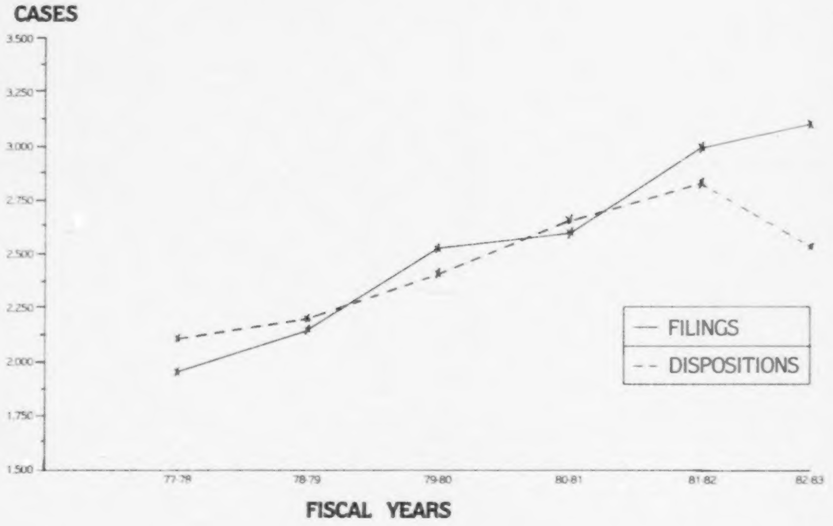

SUPREME COURT
FILINGS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
7
7
256
291
40
25
744
738
63
69
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
FY 82-83
FY 81-82
COMPARISON OF FISCAL YEARS 81-82 / 82-83


SUPREME COURT
DISPOSITIONS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
6
9
196
260
27
28
664
672
72
53
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
FY 82-83
FY 81-82
COMPARISON OF FISCAL YEARS 81-82 / 82-83

higher than previous years as a result of the adoption of Rule 7.18 which permits the transfer of cases with statewide or broad impact directly to the Supreme Court, thus bypassing the Court of Appeals.

A total of 345 opinions and opinions and orders were issued during FY83 by the Supreme Court, up from 272 in FY82. The Supreme Court has compiled the number of court orders only since 1982; thus only the last half of FY82 has such information reported. For this segment of FY82, 340 orders were reported. During FY83, 623 court orders were entered. In addition to these caseload data, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time, represent a significant workload factor. For example, 947 of these general motions were filed in FY82 and 1,150 were filed in FY83.

Figure 3
COURT OF APPEALS HISTORICAL



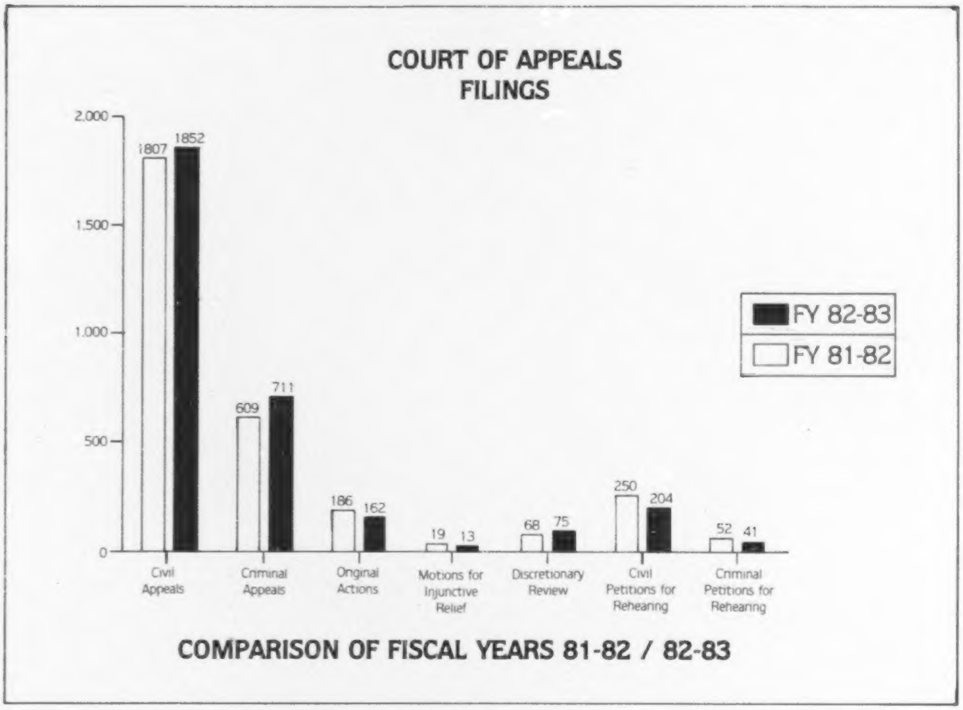
2. The Court of Appeals

Caseload figures in the Court of Appeals have increased 18% over the past two years. Filings rose sharply in FY82, up 391 to 2,991, and leveled in FY83 at the highest level of filings reported or 3,058 total filings. Dispositions in FY82 in the Court of Appeals increased by 7% to 2,833. In FY83, this level was not met and dispositions dropped by 9% to 2,591. The decrease in dispositions may be partially attributed to the loss of three judges on the Court of Appeals due to their election to the Supreme Court bench. In any case, Figure 3 graphically illustrates these data. The combination of the high filing rate and lower disposition rate produced a larger pending docket than normally reported at year-end by this court, i.e., 1,714 cases.

As the bar graphs in Figure 4 reveal, the largest proportion of matters filed and heard by the Court of Appeals in FY83 were direct appeals. As such, civil appeals composed 60% of all matters filed; criminal appeals constituted 23% of all matters filed during this time. The trends in these case categories are directly reflected in overall filings and dispositions for this court. Filings in civil appeals rose by 3% or 45 cases to 1,852. Criminal appeals increased by a larger extent, i.e., 102 cases or 17%. During this time, however, dispositions did not keep pace with the continuing filing increases so the backlog grew in both the civil and criminal categories of direct appeals by 40%. This, in large part, accounted for the increase in total pending matters for the Court of Appeals.

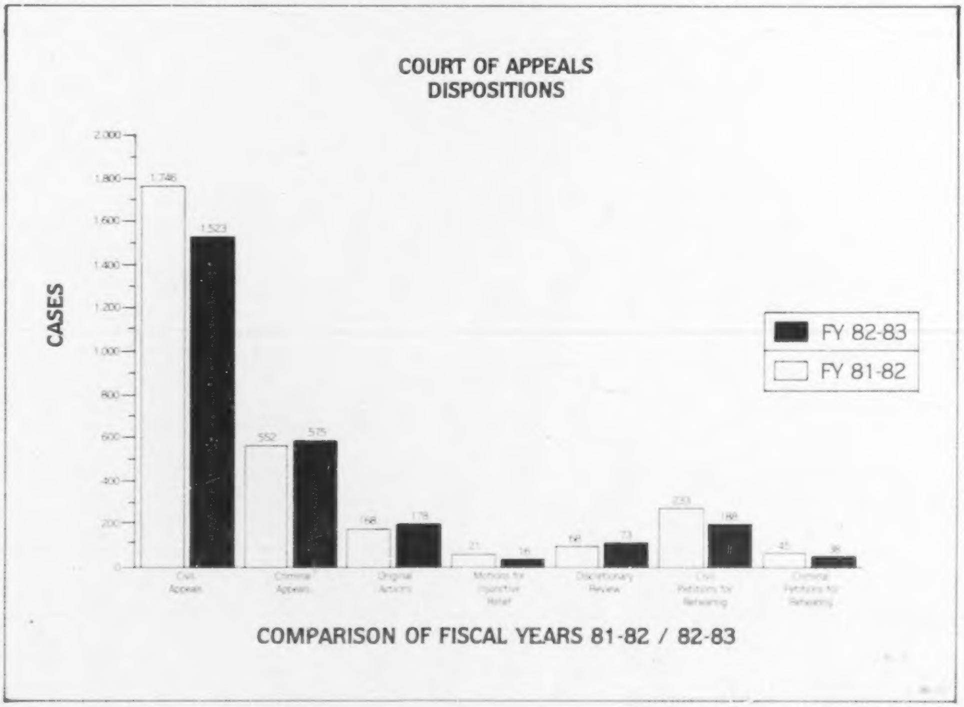
Although discretionary review matters are filed much less frequently than direct appeals, there has been a steady increase in filings over the past several years. As the display in Figure 4 revels, dispositions of these matters have increased by approximately the same proportion as filings, thereby contributing little to the overall backlog of the court. For example, in FY83, 75 discretionary

Figure 4



COURT OF APPEALS FILINGS

COMPARISON OF FISCAL YEARS 81-82 / 82-83



COURT OF APPEALS DISPOSITIONS

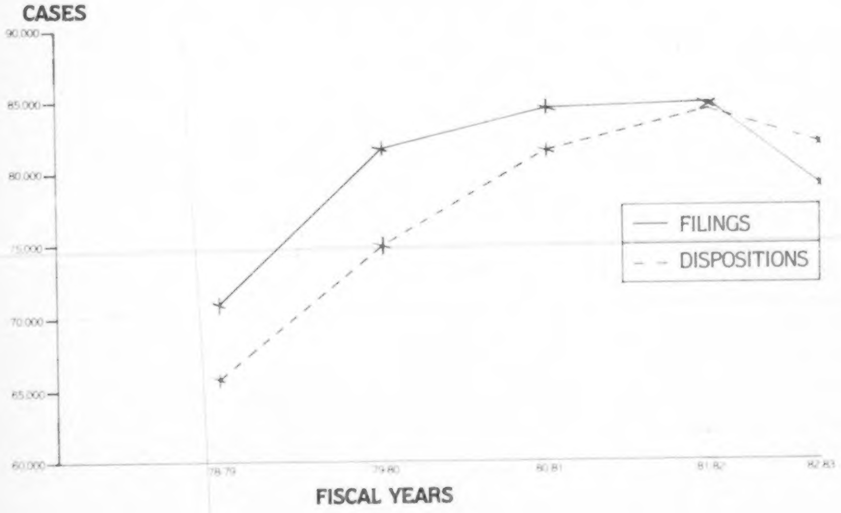
COMPARISON OF FISCAL YEARS 81-82 / 82-83

review cases were filed and 73 were disposed. It should be noted that a "discretionary review" case in the Court of Appeals is not counted in the same manner as a "motion for discretionary review" in the Supreme Court. Specifically, they are comparable only if the motion is denied. If a motion for discretionary review is granted in the Court of Appeals, it continues as a "discretionary review" case until it is disposed. If such a motion is granted in the Supreme Court, it is considered disposed and is refiled as an appeal. Despite this difference, the Court of Appeals and Supreme Court do have a common denominator in the original motion for discretionary review.

In FY83, the filing and disposition of motions for injunctive relief resumed its non-election year level with 13 filings and 16 dispositions. A high point of 38 filings was reported in FY81, apparently as a result of election year matters.

Civil and criminal petitions for rehearing declined by approximately 20% between FY82 and FY83. This decline most likely reflects the change in rules, mentioned in the Supreme Court section, that permit attorneys to file for discretionary review with the Supreme Court rather than file for rehearing with the Court of Appeals. Civil and criminal petitions for rehearing amounted to 204 and 41, respectively, in FY83; disposition of these matters totalled 108 and 38, respectively.

Figure 5
CIRCUIT COURT HISTORICAL



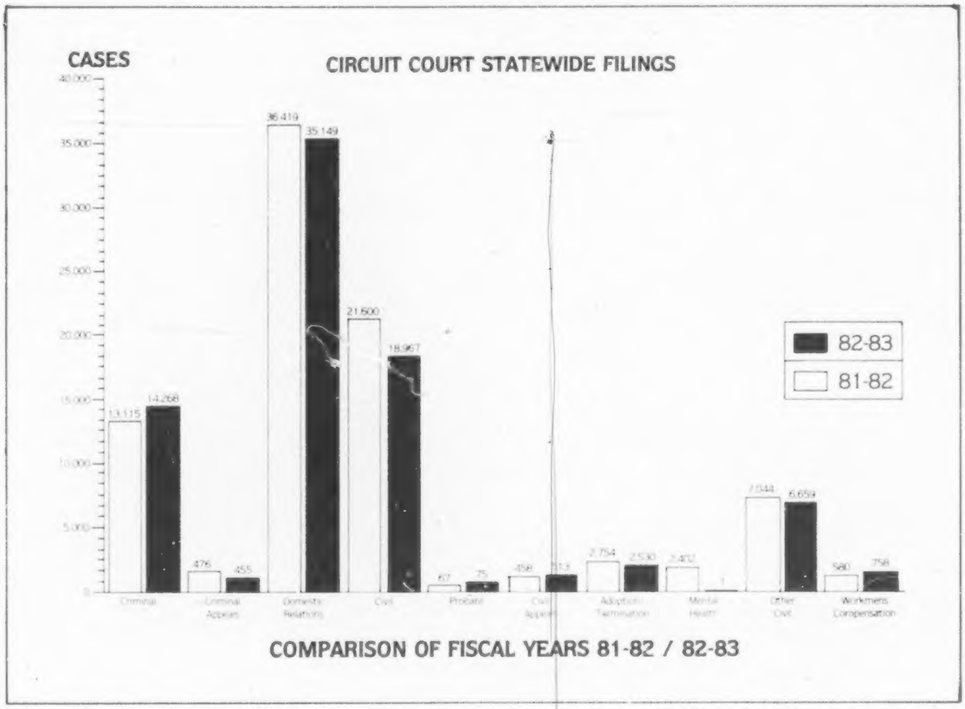
B. Trial Court Statistics

1. The Circuit Courts

Figures 5 and 6 provide a general overview of the past trends and current status of the total circuit court caseload. As Figures 5 illustrates, the number of new case filings rose steadily between FY79 and FY82, increasing from 70,899 to 84,915, but in FY83 the total filings dropped by 6.5% to 79,375. As in past years, dispositions closely follow the trend of filings, thus a slight decline in FY83 dispositions is likewise found, i.e., 84,630 to 80,977. For the most part, the decrease in circuit filings and dispositions is a result of shifting mental health matters to district court. In FY82, 2,402 mental health matters were filed and 2,295 were disposed.; these matters composed 3% of the total FY82 circuit caseload. Excluding this category from consideration, the total circuit filings would have declined 3.8% and dispositions only 1.6%.

Since the rate of dispositions has decreased less than the filing rate, the overall clearance rate of the circuit court has risen from 98% to 102%. The clearance rate is calculated as the ratio of dispositions during the year (old or new cases) to the number of **new** cases. The high ratio reported in FY83 represents a lowering of backlog as judges purge "old" or nonprogressing cases from their dockets.

Figure 6


CASES
CIRCUIT COURT STATEWIDE FILINGS
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
13,115
14,268
476
455
36,419
35,149
21,600
18,967
67
75
458
513
2,754
2,530
2,402
1
7,044
6,659
580
758
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
82-83
81-82
COMPARISON OF FISCAL YEARS 81-82 / 82-83

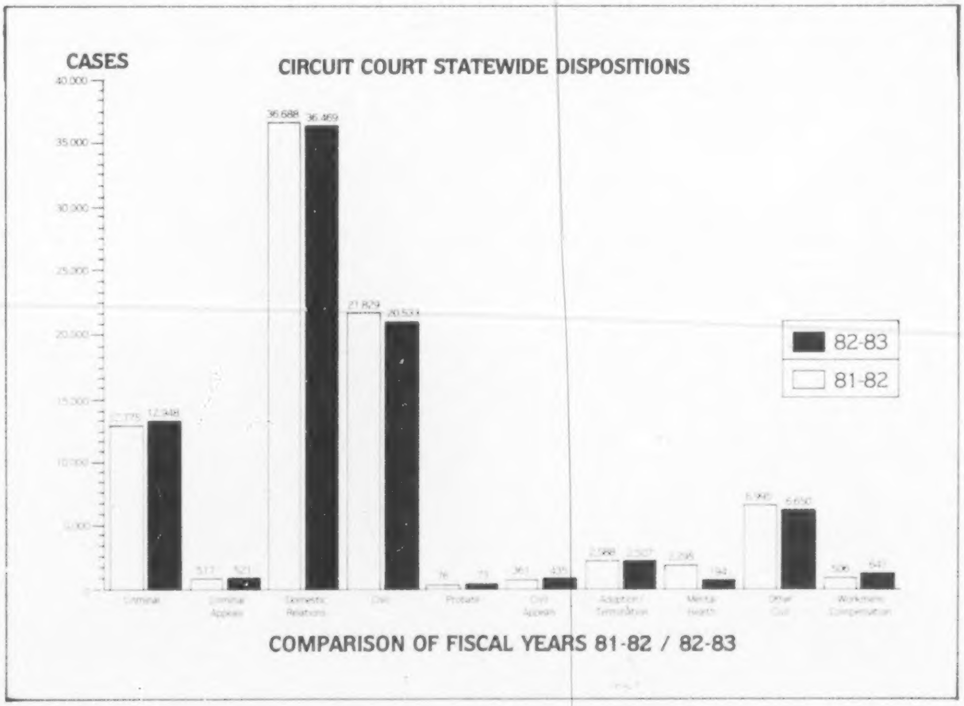

CASES
CIRCUIT COURT STATEWIDE DISPOSITIONS
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
12,775
12,348
517
521
36,688
36,469
21,829
20,533
76
73
361
435
2,588
2,507
2,298
194
6,990
6,650
506
641
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
82-83
81-82
COMPARISON OF FISCAL YEARS 81-82 / 82-83

Figure 6 utilizes bar charts to compare FY83 new case filings and FY83 dispositions by case type to FY82 filings and dispositions by case type. These bars show how circuit court filings and dispositions have stablized for the state as a whole.

It is evident from the bar graphs that domestic relations cases constitute the bulk of the circuit caseload. For the past three years, domestic relations cases composed 44% of state's total filings. This category consists primarily of original divorce cases, but also includes post-divorce hearings on matters pertaining to custody, support, and visitation. Information gathered through sampling suggests that approximately 20% of the domestic relations caseload involves reopened cases. In FY83, the domestic relations filings level decreased slightly, i.e., 3.5%, to 35,149 and the disposition of these matters declined by .6% to 36,469. As can be seen, FY83 dispositions exceeded filings.

The case category with the second highest number of filings involved civil suits. There were 18,967 circuit civil filings during FY83 which constituted 24% of the total circuit caseload. This category experienced the largest drop in filings of any of the circuit case categories, decreasing 12% between FY82 and FY83. Dispositions decreased at a more modest rate, i.e., 6% to 20,533, and as a result exceeded filings as they did in FY82.

Because these two categories-domestic relations and civil suits-compose slightly more than two-thirds of the total, changes in these categories directly affect the circuit total. Therefore, the moderate decline in filings and dispositions in these civil matters plus the shift in jurisdiction of mental health cases, for the most part, explains the overall decrease in total circuit court case volume.

Criminal case filings comprised 18% of the total filings in FY83. Criminal filings continue to increase, up 1,153 cases or 9%, with 14,268 filings reported. Likewise, dispositions increased but at a lower rate, up 173 or 1.4% to 12,948.

Cases categorized as "other civil" suits constituted the fourth largest category of cases in circuit court. These cases include appeals from zoning and other administrative boards, tax appeal cases, uniform reciprocal support cases, Department of Revenue and Commonwealth initiated suits, cases involving injunctive relief, etc. For the past three years, these suits totalled 8% of circuit court filings; 6,659 being reported in FY83. "Other civil suits" continue to register a modest decline of 5% in FY83. Dispositions fell at an equal rate (5%) to 6,650.

The remaining five categories represent a small proportion of the caseload in circuit court, i.e., 3% or less of the total circuit caseload. As a result, the changes in most of these categories have little effect on the overall caseload trends in circuit court. For example, criminal district court appeals continued a downward trend, going from 476 to 455 filings. In contrast, dispositions increased slightly from 517 to 521. Changes of -21 and +4, respectively, have an imperceptible effect on the circuit total. Similarly, an increase of 12% or 8 probate filings which amounted 75 or its 4% decline to 73 in dispositions has no overall impact. Another low volume category is civil district court appeals. In contrast to a decline in FY82, civil appeal filings increased by 12% to 513; dispositions increase at an even higher rate, 21%, but did not match the filing figure at 435.

Workmen's compensation cases reached the highest level ever reported at 758 by increasing 31% from FY82. Dispositions followed the filing pattern and increased 28% to 647. In contrast to previous years, adoption/termination case filings and dispositions decreased slightly, 8% and 3% respectively. In FY83, 2,530 filings and 2,507 dispositions were reported.

The data above deal with circuit caseload on a statewide basis. The following segment provides information on caseload volume within the state. Tables 9 and 10 list, respectively, the judicial circuits in rank order of total case filings per judge and dispositions per judge for FY83. Per judge figures are calculated by dividing the total caseload in a jurisdiction by the number of judges presiding there. Also included in each of these tables are the counties within each circuit, the comparable per judge caseload data and ranks for FY82, and the number of judges in the circuit and its region number.

Table 9 shows that filings per judge in FY83 ranged from 1,277 in Judicial Circuit 34 to 468 in Judicial Circuit 52. The median level of circuit caseload filings is 836 filings per judge which is down slightly from the FY82 median of 901. In Table 10, dispositions per judge in FY83 are found to range between 1,360 in the

Table 9

FISCAL YEAR 1982-1983 RANKED TOTAL CIRCUIT COURT

CASE FILINGS PER JUDGE

82-83 RANK	82-83 FILINGS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				81-82 FILINGS PER JUDGE		NO. OF JUDGES	CIRC. REGION NO.
							NO.	RANK		
1	1277	# 34	MCCREARY	WHITLEY			1380	(1)	1	8
2	1206	# 41	CLAY	JACKSON	LESLIE	WASHINGTON	1128	(10)	1	9
3	1187	# 11	GREEN	MARION	TAYLOR		1149	(8)	1	4
4	1177**	# 54	BOONE	GALLATIN			1346	(2)	1	6
5	1173**	# 28	PULASKI	ROCKCASTLE			1175	(7)	1	8
6	1168	# 22	FAYETTE				1093	(12)	6	-
7	1167	# 51	HENDERSON				1302	(3)	1	2
8	1166	# 31	FLOYD				1222	(5)	1	10
9	1165**	# 14	BOURBON	SCOTT	WOODFORD		1232	(4)	1	5
10	1154**	# 35	PIKE				1149	(9)	2	10
11	1074	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	1058	(14)	1	9
12	1038**	# 6	DAVIESS				1207	(6)	2	3
13	1038**	# 13	GARRARD	JESSAMINE	LINCOLN		1105	(11)	1	8
14	1037	# 26	HARLAN				1010	(18)	1	10
15	979**	# 8	WARREN				1070	(13)	2	3
16	977**	# 42	CALLOWAY	MARSHALL			1054	(15)	1	1
17	962**	# 12	HENRY	OLDHAM	TRIMBLE		945	(22)	1	5
18	952**	# 20	GREENUP	LEWIS			966	(20)	1	7
19	922	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	921	(25)	1	1
20	910**	# 10	HART	LARUE	NELSON		933	(23)	1	4
21	910	# 40	CLINTON	RUSSELL	WAYNE		873	(31)	1	4
22	892	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	888	(30)	1	3
23	880	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	964	(21)	1	4
24	877**	# 50	BOYLE	MERCER			918	(26)	1	8
25	864**	# 17	CAMPBELL				1011	(17)	2	6
26	862**	# 4	HOPKINS				921	(24)	1	2
27	847**	# 25	CLARK	MADISON			812	(38)	2	9
28	839**	# 30	JEFFERSON				997	(19)	16	-
29	833	# 45	MCLEAN	MUHLENBERG			816	(37)	1	2
30	824**	# 32	BOYD				902	(28)	2	7
31	824**	# 37	CARTER	ELLIOTT	MORGAN		804	(39)	1	7
32	821	# 53	ANDERSON	SHELBY	SPENCER		849	(32)	1	5
33	820	# 39	BREATHITT	POWELL	WOLFE		786	(40)	1	9
34	807	# 9	HARDIN				1015	(16)	2	4
35	796**	# 48	FRANKLIN				906	(27)	2	5
36	789**	# 27	KNOX	LAUREL			775	(41)	2	8
37	786	# 36	KNOTT	MAGOFFIN			821	(35)	1	10
38	778	# 7	LOGAN	TODD			827	(33)	1	2
39	773	# 43	BARREN	METCALF			826	(34)	1	4
40	756	# 15	CARROLL	GRANT	OWEN		765	(42)	1	5
41	748	# 5	CRITTENDEN	UNION	WEBSTER		750	(45)	1	2
42	741	# 46	BRECKENRIDGE	GRAYSON	MEADE		901	(29)	1	3
43	738	# 55	BULLITT				752	(44)	1	4
44	732	# 23	ESTILL	LEE	OWSLEY		704	(48)	1	9
45	732	# 44	BELL				759	(43)	1	8
46	719	# 47	LETCHER				660	(52)	1	10
47	715	# 16	KENTON				820	(36)	4	6
48	673	# 33	PERRY				719	(47)	1	10
49	665**	# 24	JOHNSON	LAWRENCE	MARTIN		699	(49)	2	7
50	642	# 3	CHRISTIAN				721	(46)	2	2
51	629**	# 19	BRACKEN	FLEMING	MASON		665	(51)	1	6
52	600	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	606	(54)	1	1
53	600**	# 2	MCCRACKEN				679	(50)	2	1
54	570	# 49	ALLEN	SIMPSON			532	(56)	1	3
55	511**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	556	(55)	1	6
56	468	# 52	GRAVES				621	(53)	1	1

MEDIAN PER-JUDGE FILINGS = 836

STATEWIDE MEAN (AVERAGE) = 872

** THIS CIRCUIT UTILIZES A SPECIAL "DOMESTIC RELATIONS COMMISSIONER". THE PARTICULAR JURISDICTIONS AND CASELOADS OF THESE COMMISSIONERS VARY CONSIDERABLY IN DIFFERENT CIRCUITS, AND SOMETIMES IN DIFFERENT COUNTIES WITHIN A SINGLE CIRCUIT.

Table 10

FISCAL YEAR 1982-1983 RANKED TOTAL CIRCUIT COURT

CASE DISPOSITIONS PER JUDGE

82-83 RANK	82-83 DISPOSITIONS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				81-82 DISPOSITIONS PER JUDGE		NO. OF JUDGES	CIRC. REGION NO.
							NO.	RANK		
1	1300	# 39	BREATHITT	POWELL	WOLFE		1029	(13)	1	9
2	1355	# 31	FLOYD				1403	(3)	1	10
3	1341	# 34	MCCREARY	WHITLEY			1665	(2)	1	8
4	1312**	# 54	BOONE	GALLANTIN			1261	(6)	1	6
5	1237	# 22	FAYETTE				1026	(14)	6	
6	1221**	# 42	CALLOWAY	MARSHALL			831	(34)	1	1
7	1186**	# 28	PULASKI	ROCKCASTLE			1142	(7)	1	8
8	1170	# 51	HENDERSON				1344	(4)	1	2
9	1121	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1073	(10)	1	4
10	1118**	# 14	BOURBON	SCOTT	WOODFORD		926	(25)	1	5
11	1076	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	957	(22)	1	3
12	1053**	# 6	DAVIESS				1127	(8)	2	3
13	1037**	# 25	CLARK	MADISON			853	(33)	2	9
14	1015**	# 35	PIKE				1103	(9)	2	10
15	1013**	# 8	WARREN				889	(29)	2	3
16	998	# 41	CLAY	JACKSON	LESLIE		2095	(1)	1	9
17	996	# 9	HARDIN				1286	(5)	2	4
18	966**	# 4	HOPKINS				940	(24)	1	2
19	966**	# 32	BOYD				968	(21)	2	7
20	961**	# 13	GARRARD	JESSAMINE	LINCOLN		744	(41)	1	8
21	940**	# 17	CAMPBELL				780	(37)	2	6
22	924	# 7	LOGAN	TODD			877	(31)	1	2
23	921	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	1011	(18)	1	1
24	918**	# 50	BOYLE	MERCER			1000	(19)	1	8
25	916**	# 12	HENRY	OLDHAM	TRIMBLE		1012	(17)	1	5
26	866**	# 10	HART	LARUE	NELSON		911	(26)	1	4
27	866**	# 37	CARTER	ELLIOTT	MORGAN		660	(47)	1	7
28	860	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	1051	(12)	1	9
29	859	# 40	CLINTON	RUSSELL	WAYNE		728	(43)	1	4
30	849**	# 24	JOHNSON	LAWRENCE	MARTIN		692	(45)	2	7
31	848**	# 27	KNOX	LAUREL			1016	(16)	2	8
32	848	# 43	BARREN	METCALFE			946	(23)	1	4
33	832**	# 30	JEFFERSON				993	(20)	16	
34	814	# 45	MCLEAN	MUHLENBERG			891	(28)	1	2
35	797	# 26	HARLAN				902	(27)	1	10
36	764	# 23	ESTILL	LEE	OWESLEY		515	(56)	1	9
37	759	# 46	BRECKINRIDGE	GRAYSON	MEADE		889	(30)	1	3
38	742	# 44	BELL				1061	(11)	1	8
39	735	# 16	KENTON				757	(38)	4	6
40	714**	# 2	MCCRACKEN				721	(44)	2	1
41	712	# 33	PERRY				811	(36)	1	10
42	709**	# 20	GREENUP	LEWIS			853	(32)	1	7
43	703	# 55	BULLITT				603	(50)	1	4
44	687	# 3	CHRISTIAN				752	(39)	2	2
45	681	# 5	CRITTENDEN	UNION	WEBSTER		814	(35)	1	2
46	679	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	644	(48)	1	4
47	668	# 53	ANDERSON	SHELBY	SPENCER		746	(40)	1	5
48	663**	# 48	FRANKLIN				1024	(15)	2	5
49	659**	# 19	BRACKEN	FLEMING	MASON		583	(52)	1	6
50	642	# 15	CARROLL	GRANT	OWEN		739	(42)	1	5
51	615	# 47	LETCHER				602	(51)	1	10
52	559	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	603	(49)	1	1
53	555	# 36	KNOTT	MAGOFFIN			672	(46)	1	10
54	510	# 49	ALLEN	SIMPSON			535	(53)	1	3
55	507**	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	518	(55)	1	6
56	486	# 52	GRAVES				529	(54)	1	1

MEDIAN PER-JUDGE DISPOSITIONS = 859

STATEWIDE MEAN (AVERAGE) = 889

** THIS CIRCUIT UTILIZES A SPECIAL "DOMESTIC RELATIONS COMMISSIONER". THE PARTICULAR JURISDICTIONS AND CASELOADS OF THESE COMMISSIONERS VARY CONSIDERABLY IN DIFFERENT CIRCUITS, AND SOMETIMES IN DIFFERENT COUNTIES WITHIN A SINGLE CIRCUIT.

39th Judicial Circuit to 486 in Circuit 52. The median level of dispositions was 859 which is down from 890 per judge in FY82. As mentioned earlier, a clearing of dockets has resulted in many "old," nonprogressing cases being disposed across the state. Hundreds of such cases have been handled in the Eastern Region, such as the 39th Circuit and across the state. Accordingly, the disposition figures in these courts rose beyond the level of previous years.

An examination of the caseload information in these tables reveals that the level of caseload filed and disposed varies and reflects the diversity in court environments across the state. Jurisdictions differ by the number of counties and judges in the circuits, the amount of travel required, the available support staff and facilities as well as community characteristics such as population growth and jail and social service facilities. When comparing the rank ordering of circuit or district court dispositions per judge between years, it should be noted that dispositions are subject to greater variation over time than are filings, both in number of cases and rankings. Disposition figures can change radically from year to year particularly when a judge calls the docket and disposes of a large number of unenhanced cases on a single order. The "purge" of backlogged cases has occurred in several jurisdictions during this year. In contrast, case filings per judge do not depend upon any actions of the court, but rather the characteristics of the community and law enforcement-which tend to change more slowly. Therefore, it must be remembered that while the caseload information in Table 9 and 10 is a useful tool for comparing workload, it is not the sole indicator of time and effort expended by the judge.

To better reflect the work demands on the circuit courts, a caseload "weighting" procedure has been developed. A description of this project and the results are presented elsewhere in this report. The application of case weights to the "raw" case dispositions better indicate which circuits have been involved in the more time-consuming case activities, such as jury and court trials. For this reason, the per judge weighted caseload ranking is considered particularly important in determining circuits under undersirable workload pressures.

In summary, circuit filings failed to increase in FY83, contrary to the trends of the past four years. Instead, filings decreased by 6.5% to 79,375. Two factors can be linked to the FY83 decline: first, the jurisdiction of mental health cases has been switched to the district court, and second, the two largest case categories-domestic relations and civil suits-reported a 4% and 12% drop, respectively. FY83 dispositions also declined but at a lower rate (4%) than filings by totalling 80,977. In FY83, the courts were obviously working to remove their older pending cases from the docket. Whether the trend of lowered filings is linked to a slower economy or some other factor has yet to be established. In any case, this filing trend does permit the courts to direct their attention to their pending caseload and has resulted in an improved clearance rate for the circuit court.

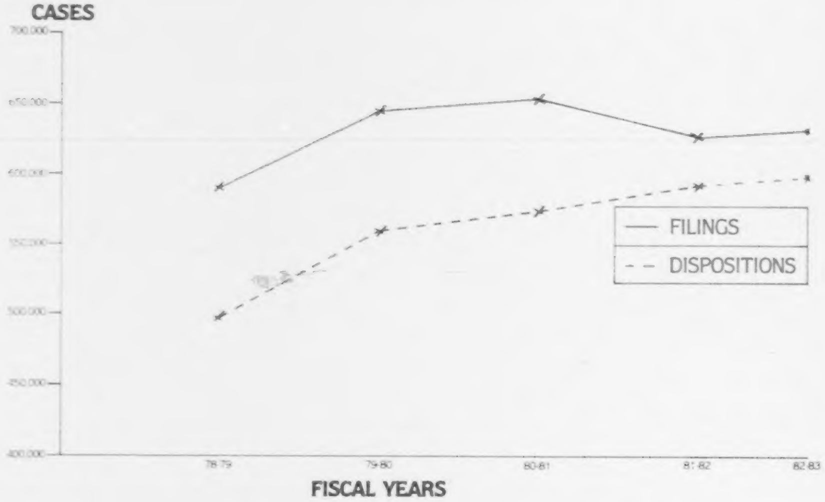
2. The District Courts

The district court historical line graph, Figure 7, illustrates a stabilization in filings in FY82-83 and a continued but slow growth rate in dispositions during this time period. As opposed to the 4% drop in FY82 filings, FY83 filings increased by .2% to 629,000. This slight increase was in part due to the addition of all mental health matters (3,561 filings) to district court. As mentioned, dispositions have increased every year since FY78-79 but the rate of growth has decreased in the past several years; for example, a 3% increase in FY82 dispositions and a .6% increase in FY83 is reported. In FY83, a total of 597,416 cases were reported as disposed resulting in a 94.6% clearance rate. As the gap between filings and dispositions continues to narrow, the case backlog fell from 33,807 at the beginning of FY83 to 31,584 at its conclusion.

Two categories of cases in particular account for approximately three-fourths of the district court caseload; these are traffic cases with 266,062 filings (42% of the total filings) and misdemeanor cases with 179,288 filings (29% of the total). Contrary to the trend in FY82, where traffic filings fell by 7%, FY83 traffic filings rose by 1,400 cases or .5%; however, the current level remains below the FY80 high point of 268,848. During the past several years, many counties have reported some level of decrease in their traffic filings. It appears that this decrease is linked to the increased demand for wider police agency enforcement in other areas of law while these agencies continue to operate on austere budgets.

Figure 7

DISTRICT COURT HISTORICAL



This is particularly evident in Jefferson and Fayette Counties which handle 31% and 11%, respectively, of the state's traffic caseload; traffic filings decreased 7% and 5%, respectively, in these two high-volume courts. However, there were 67 counties in which traffic filings increased to some degree thus offsetting the decline in filings in larger counties. The disposition of traffic cases has increased at a relatively stable rate in the past two years with a 1% increase in FY82 and 2% increase in FY83.

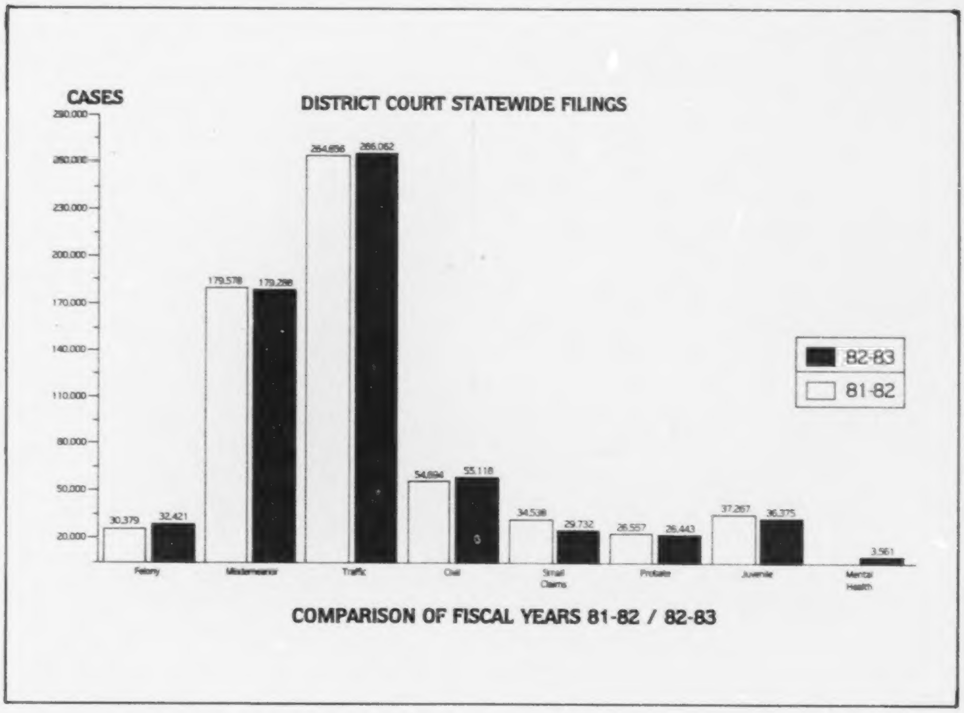
Misdemeanors, the second largest case category, comprised 29% of the total filings in FY83. Statewide, filings and dispositions decreased slightly, i.e., .2%, in FY83. There was no consistent pattern of increase or decrease in FY83. For example, Jefferson County's 30,116 misdemeanor filings represent an 8.6% drop from FY82 while Fayette's 12,947 filings represent a 4% increase from FY82 and so on through the state, with 57 counties reporting an increasing misdemeanor load and 63 reporting a decrease.

It is interesting to note the relative changes in the civil suits and small claims categories. Civil cases constitute 9% of the total district caseload. In FY82, civil filings dropped 5% from the previous year but rebounded by a slight 1% in FY83 to 55,118. Until FY83, small claims had generally increased at a higher rate than civil suits or as in FY82, decreased at a much lower rate. However, in FY83, small claims filings fell by 14% to 29,732 and dispositions decreased to 30,104 or 7.5% as opposed to a drop in civil dispositions of 3% to 47,267. Between FY82 and FY83, the proportion of small claims of the total civil suits dropped from 39% to 35%. For some reason in FY83 the public was not resorting to the less expensive, more informal small claims court. It could be speculated that the depressed economy and resulting reduction in resources may have deterred the public's use of the courts subsequently producing this downward trend in civil filings but specific data is not available to support or reject this hypothesis.

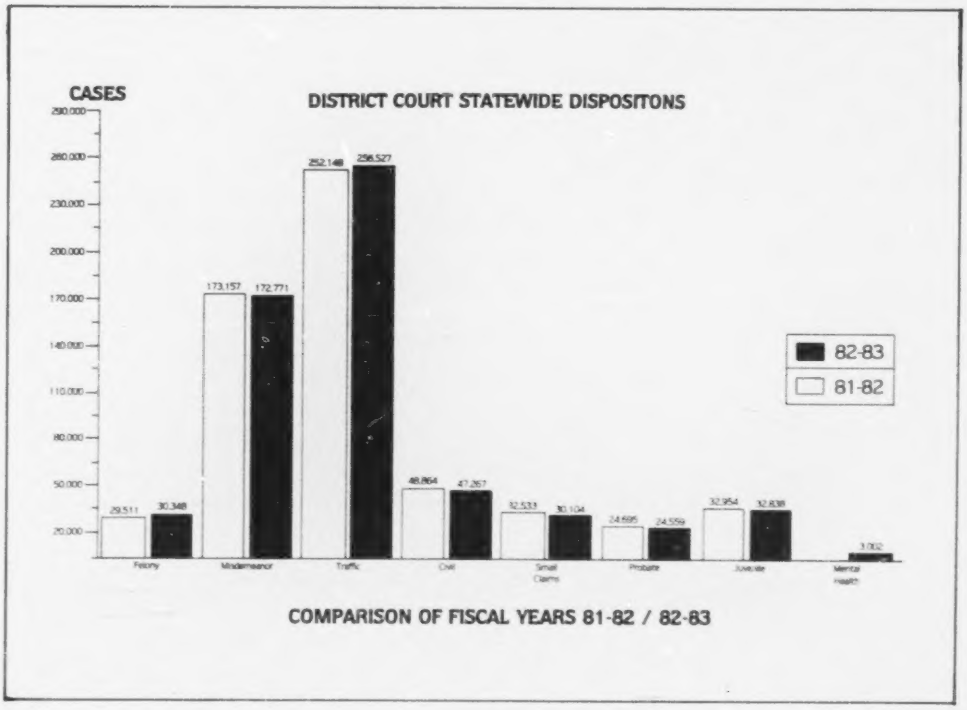
In any case, felony filings and dispositions continued to increase in FY83, up 7% and 3% respectively. Seventy-seven counties reported an increase in felony filings. Filings equalled 32,421 and dispositions reached 30,348 in FY83.

The probate and juvenile case categories average 4% and 6% of the state total. Each category's filings and dispositions declined slightly in FY83. Probate filings and dispositions registered 26,443 and 24,559, respectively. Juvenile filings were 36,375 and dispositions were 32,838. The impact of testing the Juvenile Code in twelve counties across the state by diverting juveniles from formal court proceedings may account for the slight drop in juvenile caseload. These test sites were established in the spring of 1983. FY84 figures may continue to reflect these procedural changes and thus decrease. The full statewide

Figure 8


DISTRICT COURT STATEWIDE FILINGS

COMPARISON OF FISCAL YEARS 81-82 / 82-83


DISTRICT COURT STATEWIDE DISPOSITONS

COMPARISON OF FISCAL YEARS 81-82 / 82-83

implementation of this program is proposed and will undoubtedly shift a substantial portion of cases from formal court proceedings.

The newest category, mental health, is a very small percentage (.6%) of the total district court workload-as projected when research on the legislation was conducted in 1979. This category primarily includes disability proceedings, commitment hearings and appointment of guardians for those determined "disabled". Filings during FY83 reached 3,561 and 3,002 were disposed.

Moving from consideration of statewide case volume, Tables 11 and 12 list the judicial districts in rank order of total case filings and dispositions per judge, respectively. For FY83, district court case filings per judge range from 9,384 in the 22nd District (also highest in FY82) to 1,813 in the 18th District (lowest in FY82). The state's median per-judge filings was 4,491. District court dispositions per judge range from 9,082 in the 22nd District to 1,747 in the 18th District with a median per-judge disposition level of 4,289.

As noted in the Circuit Court section, differences in caseload filings and dispositions must be expected as the courts vary widely in terms of size, travel required, support staff, and on other factors.

In summary, filings and dispositions essentially stablized between FY82 and FY83. Of the eight case categories handled in district court, felonies increased the most, up 7% to 32,421, and small claims decreased the most, by 14% to 29,732. However, regardless of these shifts, the district courts remain the arena in which the most caseload activity occurs.

Table 11

FISCAL YEAR 1982-1983 RANKED TOTAL DISTRICT COURT

CASE FILINGS PER JUDGE

82-83 RANK	82-83 FILINGS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				81-82 FILINGS PER JUDGE		NO. OF JUDGES	NO. OF TRIAL COMM
							NO	RANK		
1	9384	# 22	FAYETTE				9385	(1)	6	0
2	8254	# 26	HARLAN				6844	(3)	1	2
3	7296	# 30	JEFFERSON				7766	(2)	23	0
4	7129	# 8	WARREN				6226	(4)	2	0
5	7129	# 33	PERRY				5941	(7)	1	1
6	6728	# 31	FLOYD				5470	(12)	1	2
7	6547	# 44	BELL				6192	(5)	1	0
8	6536	# 36	KNOTT	MAGOFFIN			5871	(8)	1	2
9	6156	# 35	PIKE				5586	(10)	2	3
10	5970	# 25	CLARK	MADISON			5455	(13)	3	0
11	5770	# 42	CALLOWAY	MARSHALL			5475	(11)	1	1
12	5627	# 51	HENDERSON				4569	(23)	2	0
13	5435	# 2	MCCRACKEN				4806	(21)	2	0
14	5435	# 27	KNOX	LAUREL			5638	(9)	2	2
15	5420	# 39	BREATHITT	POWELL	WOLFE		6026	(6)	1	2
16	5384	# 9	HARDIN				4282	(32)	2	1
17	5298	# 45	MCLEAN	MUHLENBERG			4528	(25)	1	1
18	5115	# 55	BULLITT				5343	(14)	1	0
19	5107	# 5	CRITTENDEN	UNION	WEBSTER		5170	(17)	1	3
20	5100	# 43	BARREN	METCALFE			5156	(18)	1	2
21	4860	# 54	BOONE	GALLATIN			5250	(15)	2	1
22	4790	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4526	(26)	2	2
23	4698	# 7	LOGAN	TODD			4489	(28)	1	1
24	4670	# 19	BRACKEN	FLEMING	MASON		5086	(20)	1	2
25	4581	# 24	JOHNSON	LAWRENCE	MARTIN		4506	(27)	2	1
26	4565	# 14	BOURBON	SCOTT	WOODFORD		5107	(19)	2	2
27	4550	# 37	CARTER	ELLIOTT	MORGAN		5171	(16)	1	3
28	4503	# 47	LETCHER				4619	(22)	1	1
29	4479	# 3	CHRISTIAN				4188	(34)	2	0
30	4386	# 16	KENTON				4556	(24)	4	0
31	4381	# 20	GREENUP	LEWIS			4321	(30)	1	2
32	4325	# 6	DAVIESS				4199	(33)	3	0
33	4251	# 28	PULASKI	ROCKCASTLE			4312	(31)	2	1
34	4231	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4377	(29)	2	3
35	3994	# 4	HOPKINS				3949	(35)	2	0
36	3981	# 13	GARRARD	JESSAMINE	LINCOLN		3784	(37)	2	1
37	3764	# 48	FRANKLIN				3691	(38)	2	1
38	3722	# 41	CLAY	JACKSON	LESLIE		3889	(36)	2	1
39	3720	# 17	CAMPBELL				3555	(40)	3	0
40	3513	# 10	HART	LARUE	NELSON		3186	(45)	2	1
41	3457	# 40	CLINTON	RUSSELL	WAYNE		3510	(42)	2	1
42	3441	# 52	GRAVES				3112	(46)	1	0
43	3277	# 34	MCCREARY	WHITLEY			3236	(44)	2	1
44	3252	# 12	HENRY	OLDHAM	TRIMBLE		3102	(47)	2	1
45	3225	# 23	ESTILL	LEE	OWSLEY		3670	(39)	1	2
46	3202	# 32	BOYD				3455	(43)	2	0
47	3175	# 46	BRECKENRIDGE	GRAYSON	MEADE		3546	(41)	2	1
48	3120	# 15	CARROLL	GRANT	OWEN		3087	(48)	2	1
49	2921	# 49	ALLEN	SIMPSON			3075	(50)	1	1
50	2807	# 29	AFAIR	CASEY	CUMBERLAND	MONROE	3083	(49)	2	2
51	2796	# 53	ANDERSON	SHELBY	SPENCER		2968	(51)	2	1
52	2774	# 50	BOYLE	MERCER			2615	(53)	2	0
53	2595	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2641	(52)	2	3
54	2463	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2323	(55)	2	2
55	2310	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2325	(54)	2	2
56	1813	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1886	(56)	2	2

MEDIAN PER JUDGE FILINGS = 4491

STATEWIDE MEAN (AVERAGE) = 5113

Table 12

FISCAL YEAR 1982-1983 RANKED TOTAL DISTRICT COURT

CASE DISPOSITIONS PER JUDGE

82-83 RANK	82-83 DISPOSITIONS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				81-82 DISPOSITIONS PER JUDGE		NO. OF JUDGES	NO. OF TRIAL COMM
							NO.	RANK		
1	9082	# 22	FAYETTE				8748	(2)	6	0
2	8259	# 26	HARLAN				9063	(1)	1	2
3	7143	# 33	PERRY				5127	(17)	1	1
4	7097	# 8	WARREN				6572	(4)	2	0
5	6606	# 30	JEFFERSON				6790	(3)	23	0
6	6034	# 44	BELL				5854	(7)	1	0
7	5965	# 31	FLOYD				5605	(10)	1	2
8	5806	# 39	BREATHITT	POWELL	WOLFE		6175	(5)	1	2
9	5629	# 25	CLARK	MADISON			5139	(15)	3	0
10	5578	# 42	CALLOWAY	MARSHALL			5881	(6)	1	1
11	5520	# 36	KNOTT	MAGOFFIN			5548	(11)	1	2
12	5407	# 51	HENDERSON				4502	(22)	2	0
13	5335	# 9	HARDIN				3957	(34)	2	1
14	5196	# 35	PIKE				4058	(33)	2	3
15	5193	# 55	BULLITT				4964	(19)	1	0
16	5172	# 2	MCCRACKEN				4655	(21)	2	0
17	5139	# 45	MCLEAN	MUHLENBERG			4769	(20)	1	1
18	5126	# 43	BARREN	METCALFE			5431	(13)	1	2
19	5028	# 54	BOONE	GALLATIN			5650	(9)	2	1
20	4774	# 5	CRITTENDEN	UNION	WEBSTER		5487	(12)	1	3
21	4739	# 24	JOHNSON	LAWRENCE	MARTIN		4399	(25)	2	1
22	4706	# 27	KNOX	LAUREL			5139	(16)	2	2
23	4562	# 19	BRACKEN	FLEMING	MASON		5005	(18)	1	2
24	4494	# 47	LETCHER				4178	(28)	1	1
25	4444	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4493	(23)	2	2
26	4443	# 3	CHRISTIAN				4388	(26)	2	0
27	4399	# 37	CARTER	ELLIOTT	MORGAN		5752	(8)	1	3
28	4308	# 14	BOURBON	SCOTT	WOODFORD		5186	(14)	2	2
29	4270	# 6	DAVIESS				4154	(30)	3	0
30	4267	# 16	KENTON				4270	(27)	4	0
31	4244	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4075	(32)	2	3
32	4109	# 4	HOPKINS				3536	(37)	2	0
33	4040	# 7	LOGAN	TODD			4487	(24)	1	1
34	4019	# 28	PULASKI	ROCKCASTLE			4177	(29)	2	1
35	3941	# 48	FRANKLIN				3498	(38)	2	1
36	3857	# 13	GARRARD	JESSAMINE	LINCOLYN		3453	(39)	2	1
37	3826	# 20	GREENUP	LEWIS			4125	(31)	1	2
38	3736	# 17	CAMPBELL				3746	(35)	3	0
39	3514	# 10	HART	LARUE	NELSON		3171	(48)	2	1
40	3371	# 40	CLINTON	RUSSELL	WAYNE		3389	(43)	2	1
41	3356	# 12	HENRY	OLDHAM	TRIMBLE		2999	(49)	2	1
42	3278	# 32	BOYD				3390	(42)	2	0
43	3264	# 41	CLAY	JACKSON	LESLIE		3690	(36)	2	1
44	3223	# 52	GRAVES				3310	(44)	1	0
45	3077	# 15	CARROLL	GRANT	OWEN		3255	(46)	2	1
46	3049	# 34	MCCREARY	WHITLEY			3453	(40)	2	1
47	3027	# 46	BRECKINRIDGE	GRAYSON	MEADE		3298	(45)	2	1
48	3019	# 23	ESTILL	LEE	OWSLEY		3449	(41)	1	2
49	3011	# 49	ALLEN	SIMPSON			3174	(47)	1	1
50	2780	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2730	(51)	2	2
51	2778	# 50	BOYLE	MERCER			2714	(52)	2	0
52	2680	# 53	ANDERSON	SHELBY	SPENCER		2903	(50)	2	1
53	2468	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2449	(54)	2	3
54	2321	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2497	(53)	2	2
55	2173	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2319	(55)	2	2
56	1747	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1804	(56)	2	2

MEDIAN PER JUDGE DISPOSITIONS = 4289

STATEWIDE MEAN (AVERAGE) = 4857